

B E N G A L:  
ITS LANDED TENURE AND POLICE  
SYSTEM.

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S P E E C H

ON

A MOTION FOR INQUIRY IN THE HOUSE OF  
COMMONS, JUNE 11, 1857.

BY

THE HON. A. KINNAIRD.

WITH AN APPENDIX.

*THIRD THOUSAND.*

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1857.



## BENGAL SYSTEM OF GOVERNMENT.

MR. SPEAKER,

SIR,—As one well convinced that in very many respects our government in India has been productive of much good to that country taken as a whole, I claim the attention of this House while I endeavour to set before them, as briefly and as faithfully as I can, the present condition of the Lower Provinces of Bengal, as an exception to that fact, if we are to believe the testimony of residents in that country.\* I do this, Sir, because undoubtedly on us lies the responsibility of securing for the people of India the best government that is attainable. I am not actuated by the slightest feeling of hostility, either to the Government or to the East India Company, both of which I have generally supported with reference to India; but I am now painfully convinced that hitherto we have failed to secure to the natives of the Lower Provinces of Bengal those blessings for which Governments exist; and let me impress upon this House the tremendous magnitude of the claims of our Indian empire. The age in which we live is an age of wonders; but certainly not one of the least is the almost utter indifference that has hitherto been manifested here to these claims, and to the interests of one of the mightiest empires of the world, committed to us, as was well said by my Right Honourable friend, the late President of the Board of Control, not for the selfish purpose of our own aggrandisement, but that we should raise it to the participation of the same privileges which we ourselves nationally enjoy.

Government of Bengal.

Responsibility of the House of Commons.

Magnitude of claims.

Yes, Sir, we have neglected our duty to India; let us repair that neglect, and at least give some earnest and constant attention to its claims for the future. When the interests of 30,000 of our gallant soldiers in the Crimea were thought to be neglected, how wide spread the sympathy. When the 7,000,000 of Ireland were afflicted by a sore famine, how generous the response to the cries of distress. But these numbers sink into absolute insignificance in comparison with the numbers on whose behalf I feel it my duty to plead to-night.

Neglect.

In India, 150 or 160 millions of human beings (a sixth of the population of the world,) are under the sway of the British Crown. A population greater in number than the combined populations of

Population of India 150 or 160 millions.

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\* I have given the evidence in support of my resolutions at greater length in this pamphlet than I was able to do in the House during the debate, as it would have occupied too much time.



Comparison  
with other  
Colonies.

European Russia, of Austria, of France, and of Great Britain, and six times greater than the population of all the other British Colonies taken together.

Lower  
Provinces of  
Bengal.

Oldest  
possession  
and worst  
governed.

Separate Go-  
vernor, 1854.

Perpetual  
Settlement,  
1792.

North-West  
Provinces.

Punjaub,  
1848.

Contrast of  
Bengal.

Petition of  
the Mission-  
aries.

Refusal of  
its prayer.

But, as I have intimated, I intend to confine my observations to the state of the Lower Provinces of Bengal, which of themselves form an area of about 290,000 square miles, and contain a population of from 40 to 45 millions. These have been for nearly a century, more or less, under the dominion of England, and being our first possession, *there* have been committed, I apprehend, our greatest mistakes in government, and mistakes of such a nature that it is exceedingly difficult to rectify them. It is only since 1854, after the renewal of the East India Company's Charter in 1853, that Bengal has even had a separate governor. Again, the system of landed tenure, established by Lord Cornwallis in 1792, has been a source of boundless misery. Good in theory, and if honestly carried out, all those provisions in it calculated to protect the poor have been practically lost sight of. It is known by the name of the Perpetual Settlement, and the Zemindary System. Founded with the most benevolent intentions, praised by Pitt and Dundas at home, and by Lord Wellesley (Lord Cornwallis's successor) in India, while the Court of Directors congratulated themselves on having at length done their duty by the establishment of institutions so admirably adapted to promote the welfare of the people of Bengal, I impute blame to no one with regard to its adoption. All I say is, that, as it has been carried out, its results have been most disastrous to the people of Bengal. Compare the state of the Lower Provinces with the North-West Provinces, which have more recently come under our sway, and you will see in the latter the beneficial results of good government, and in the former the evils of grinding oppression. While in eight years, Lord Dalhousie, in the Punjaub, which came into our possession in 1848, created a system of government said to be free from all the defects developed in the older provinces, and with due allowance for the weakness of the native character, a perfect model of excellence. But in Bengal our institutions are pronounced a failure; and some who know the country, feel that we are on the eve of a crisis, for not only are things bad, but in many respects they are growing worse. Let this House just consider that the Europeans, who are the governing class, are but a handful compared with the natives, less than 100,000 against 150 millions, and you will at once perceive that our power rests on prestige. Destroy this by any violent shock, and our power is gone. The Hindoos are no doubt a patient people, but there is a limit to human endurance, and if we overpass that limit, who can predict the consequence?

The petition of the missionaries which I had the honour to present to this House at the close of the last Session, had its origin in their knowledge of the miseries of the people. They first addressed themselves to the Lieutenant-Governor of Bengal, Mr. Halliday, and the Governor-General in Council; but the petition which they presented for inquiry into the social condition of the people of Bengal, was dismissed with the usual official assurances that inquiry was useless; that

the evils, though great, were exaggerated ; and that remedies would be applied which inquiry would only delay ; though Mr. Halliday and even Mr. Grant himself, in their answers, practically admitted the truth of nearly all their representations. I feel persuaded, judging from his former policy, that had Lord Dalhousie been Governor-General, he would have granted the enquiry. As it is, they had no resource but to address themselves to the Parliament of England, with the hope that we would listen to the cry of oppression ; which, whether we hear it or not, is rising up from the millions of Bengal. That they are justified, nay much more than justified in the course they have taken, I unhesitatingly maintain ; and that their testimony is of the greatest value, and deserving the highest credit, I conscientiously believe. Of no one party, but connected with various Christian denominations, conversant with the every day lives of the people, unconnected with the Government and the Civil Service, gentlemen of British birth and liberal education, with English ideas of justice, what one body in India is so calculated as they to take a just view of the social condition of the people? *They are, in fact, the only body in India who have no class interests to serve.* These are not days when men can discredit the testimony of missionaries—they are too well known and appreciated. The name of Livingstone alone forbids it. Two of their number, Dr. Duff and Mr. Mullens, are on the Council of the New University, and three are native ministers.

Petition to  
Parliament.

Claims to be  
listened to.

Duff, and  
Mullens.

I am the more induced to bring this question under the notice of the House, that in 1843 the Parliamentary Inquiry was terminated, before this question of the social condition of the people was mooted.

No inquiry  
when Charter  
was renewed,  
1843.

This House will agree with me, that a Government that does its duty, should, at least, secure to the subjects of that government these four things:—

1. The administration of justice.
2. Security to life and property.
3. Protection to all classes, poor as well as rich.
4. Exemption from excessive taxation.

It becomes, therefore, my duty in submitting the resolutions which I am about to move to this House, to give them such information as is within my power, on these several points ; and if I succeed in shewing that on all these points our administration is radically and grievously defective, I must believe that they will take some effectual steps to secure for these our fellow-subjects those rights to which they are as much entitled as ourselves.

Our admini-  
stration de-  
fective.

I must claim the indulgence of the House, if I enter at some length into the accounts given of the present social condition of Bengal, as the strength of my appeal lies in the facts of the case ; and therefore a summary glance at these would fail to communicate the impression which I am anxious to convey to the House : and let me say at the outset, that it is my aim to understatement rather than to overstate the case, which in truth needs no colouring of mine to make the picture more gloomy—it is gloomy enough of itself.

Facts.



I shall take up the subjects of inquiry in the following order:—  
1st. The Perpetual Settlement and Zemindary system, which will include the taxation of the people; and 2ndly, the Police system, and the administration of justice.

### I.—THE ZEMINDARY SYSTEM.

Zemindaree  
System.

“To understand the system of landed tenure in Bengal, we must bear in mind that the Hindoo cultivators are the tenants of the Government. The Government is not only the ruler, but the landlord. The land tax, therefore, which constitutes the bulk of the revenue, is virtually rent. From 1772 to 1792 it was the custom to farm out the collection of the revenue to the highest bidders for terms of ten years. Since 1792, when Lord Cornwallis established what is called the Permanent Settlement, the land has been permanently invested in the hand of the Zemindars, who have an hereditary right to the district allotted to them, on condition that they pay to Government the prescribed amount of tax. It seems to have been his wish to raise up an aristocracy in Bengal like that in England. By the same act, the peasant who holds from the zemindar has an equal right to his small holding as the zemindar has to his district, so long as he pays his assessed rent; *but his legal rights are worthless, as he has no power to enforce them.* As an example of the oppression he endures—if a zemindar, on account of the failure of crops, obtains a remission of the tax to Government, having gained it for himself, he still exacts the tax from the ràyat, carries the account over to the next year, and charges him interest; the ràyat is from that hour practically a slave.”

Ràyat.

“The simple fact is, that Lord Cornwallis provided, with the settlement, a series of measures to protect the cultivator; and while that settlement has been upheld with sacred care, these measures have been *utterly disregarded*. The cultivator experiences no benefit from one of them. He can get no lease, no receipts; he has no protection against arbitrary and extortionate cesses in addition to his rent. But more than this, the Government had one object—to *get its land tax under the settlement*. What then? It gave the zemindars enormous powers, and reduced the cultivators to slavery.”

Regulation,  
No. 7.

No. 5.

“In 1799, a regulation (No. 7) was passed, giving the zemindars powers to summon, and, if necessary, *compel*, the personal attendance of their tenants to settle rents, adjust accounts, measure boundaries, or ‘*any other just purpose.*’ Under this, nearly every zemindar has his own bludgeon men, his own court, his own prison; aye more, as it is universally believed, his own modes of torture. This law and the Regulation *Five of 1812* together constitute almost the most severe laws in the world, in the form of laws of restraint; and inconceivable misery is occasioned by them. Nothing whatever in the shape of an attempt to relieve the people has been heard of since *a proposed measure in 1824, which was not carried*. Bengal has been neglected in a most extraordinary manner; the condition of the people has not been a matter of Parliamentary inquiry; the real state of the case is known only to a few civil servants, who all these years *have done nothing*, and are utterly unable to explain their neglect; in fact, there is in Bengal an amount of suffering and debasement which probably you could not find exceeded, or even equalled, in the slave states of America.”

This last is the testimony of a long resident in India, and a judicial person.

In answer to the question whether the Lower Provinces have deteriorated, I am told:—

Causes of de-  
terioration.

“It can scarcely be said with strict accuracy that Bengal and Behar are *deteriorating*, when the agricultural produce of these provinces has been doubled, perhaps trebled, in the last 60 years. The increase of the exports of the Gangetic valley creates, year by year, greater surprise; but with all these elements of prosperity daily developed, the ràyat alone languishes, and his condition has deteriorated

and is deteriorating. This may be attributed to two causes. 1. The over population of Bengal, which is emphatically a *pauper warren*. Nine-tenths of the people live only by tilling the soil, and they must have land to cultivate, or starve. The zemindar is therefore able to make his own terms, and to impose whatever exactions he pleases. If one man refuses to take the land, there are others ready to bid for it. For this evil of over population there is one remedy alone, a system of emigration to Assam, to Aracan, and to Pegu, where labour is scanty, and exorbitantly paid. The 2nd cause of this wretchedness is the absence of any institutions of our creation, which effectually protect the poor from oppression. In this respect Bengal is worse off than Behar, where the more manly population restrains oppression and extortion by resistance."

Again, I am told:—

"The power of the zemindar arises partly from his position as a great landlord among a submissive tenantry and a feeble executive government; and partly from the laws of distraint commonly called the Panjum (5th) and Huftum (7th), the very sound of which freezes the blood of the poor ràyat. These laws are oppressively severe, and enable a zemindar at any time to sell up a refractory or obnoxious tenant. The tenant has his remedy in a law suit, which is no remedy at all; for the zemindar is careful to keep up his influence and interest in the courts by bribery, by intrigue, and by systematic and organized collusion with the native ministerial officers, who form a rampart round the solitary English judge, which he is seldom able to break through." Zemindaree System.

The authority which I first quoted, says on this point—

"A few shillings will buy any number of false witnesses; and the police take the strongest side."

The *Friend of India*, Sept. 1852, said:—

"A whole century will scarcely be sufficient to remedy the evils of that perpetual settlement, and we have not yet begun the task. Under its influence a population of more than twenty millions have been reduced to a state of such utter wretchedness of condition, and such abjectness of feeling, as it would be difficult to parallel in any other country." Its baneful influence.

Another writer says:—

"The revenue system has also contributed a very large share towards the production of this state of things. It has ever been regarded as the first of duties on the part of every government official in Bengal to secure at all costs the revenue. Every right, hereditary or acquired, has been sacrificed to revenue, until, of all insecurities, the tenure of land has been the most precarious and uncertain. The absolute power wielded by the collector for the purposes of revenue has been delegated to the zemindar for the acquisition of rent. For how could the zemindar pay revenue if he could not secure the payment of his rents? Hence the promise of the Government, to secure to the hereditary tenure of Bengal the rights possessed at the time of the perpetual settlement, has been faithlessly broken, and so far as legal protection goes, the ràyat, is at the mercy of the zemindar. He *has* rights, and rights too recognised by law, but the law gives him no means of securing them, nor any protection against invasion on the part of the stronger. Even where the law is open to the ràyat, the costliness, the chicanery, the corruption of the courts are such as to operate as a complete barrier to success."

Again:

"The Government are again in fear of a Santhal outbreak, or rather an insurrection of the Coles, the neighbours of the Santhals, in the hills of Central



India. The same causes are at work to produce it. A high revenue charge, the extortions of usurers, and the police, are likely to bring about the same result.\*

\* As an illustration of the working of the zemindaree system among the Coles, I subjoin this account sent to me by a judge in India, of what took place only last year, till the English magistrate found that the native deputy magistrate could not be trusted in cases where Christianity was involved. The writer says, "The persecutions of the Christians are this year more fearful and unheard of than ever before. The native assistant to the Magistrate is of one mind with the zemindars. . . . Dismissing and fining the Christians, and robbing, plundering, beating them, is the order of the day in all the Christian villages. Sometimes it happens that in one day Christians of three or four villages are coming to us, lamenting that their houses, threshing floors, or fields, were plundered. Meanwhile these shameless plunderers put lawsuits in the Court, stating that the Christians have plundered their fields, and against as many Christians as they possibly can at once, that no witnesses may remain to give evidence against their statements. . . . Tuesday last, the threshing floor of a Christian was plundered, and he so much beaten, that he fell down for dead. . . . He had a severe stroke over the forehead, two teeth broken, and was so much beaten and trampled upon, that he was not able to stand. . . . We hear that the zemindars, who have caused this cruelty, and have plundered our brethren, came into the Cutcherry (Court house) yesterday, saying, 'There may come a Christian of our village complaining that we have beaten him, this is a lie. He was drunk, fell, or injured himself, and therefore we beg that his complaint against us may not be accepted.'" Again, "They, as well as all the villagers, conceal themselves every night outside the village, because the zemindars have sworn to plunder and to burn the village. . . . The zemindars have laid a strange plan. They intend to bind all those who will come in the beginning of the new year to engage for fields, by signature upon stamp paper, not to become Christians, and to submit to all whatever the zemindars will ask from them, and to all labour they may put upon them." Again, in a letter dated 12th December, 1856, it is said, "The night before last the house of our brethren at ———, was burnt down to the ground. A short time ago he had been plundered. . . . On the same day, in the same village, another brother was bound, and continually cold water poured upon him; meanwhile, others stood by fanning him, to torture him with cold. In another village, ———, the zemindar caught four Christians, imprisoned them, and threatened to beat them with shoes. But as soon as the rumour spread in the village, all the people gathered before the zemindar's house, and asked him to relieve the brethren, which was done. But now the zemindar put a law-suit into the Cutcherry against the whole village, stating that they have attacked his house, intending to plunder it." This account, which has only recently reached me, is valuable as an illustration of what is done by zemindars and native assistant magistrates, when not sufficiently controlled by English magistrates, willing to do their duty. It is well to observe that as the zemindars are not the proprietors of the land, they can have no legal right to make conditions with their *rayats*, that they shall in fact be their slaves; or, at any rate the Government has a right to say, we forbid such conditions, as the Government is the proprietor of the land.

I shall cite one more case, which is in some respects more melancholy, inasmuch as the decree of the English magistrate in favour of some persecuted Christians in the village of Baropakhyia, in the district of Backergunge, in Bengal, was reversed by an experienced Sessions Judge. This case is also important, because the decision of the Sessions Judge was reviewed in the Sudder court, at Calcutta, which is the supreme court of appeal in civil cases, at the instance of Mr. Halliday, the Lieutenant-Governor. The Sudder unanimously decided that the judgment of the Sessions Judge was wrong, and that he ought to have sustained the conviction of the magistrate. But notwithstanding this, the criminals could not be re-tried, having been acquitted by the Judge, and set at liberty; and the poor native Christians remain to this day deprived of their lands and property. The Sessions Judge is, however, to be removed. The facts are briefly these. Fourteen native Christians were on the night of the 1st of July, 1855, forcibly seized, bound, beaten, and carried away from their homes; one was tortured, and all were carried about the country for six weeks, while their lands were given to others. The Magistrate, on the 28th of November, sentenced their invaders to imprisonment and labour. This judgment was appealed against, and the defendants were admitted to bail. On the 6th of January, 1856, the prisoners were all acquitted by the Sessions Judge, and released; while the Police were commended; and he endeavoured to fasten an accusation on the Christians themselves of having fraudulently got up the case. The *Dacca News* thus refers to this melancholy subject:—

"There is nothing so convincing to our minds of the absolute necessity of a Parliamentary Commission, to inquire into the state of this country, as the fact that the minds of men living in India became accustomed to a certain way of looking on the things that exist around them, and see nothing at all uncommon in events that would strike an Englishman, fresh from England, with horror and disgust. We were conscious of this indifference in ourselves when we read the pamphlet by Mr. Underhill, detailing the sufferings of the Baropakhyia Christians. What—said we to ourselves—is the man making such a fuss about? The Christians were only carried off, and *chullaun*ed about the country for a month and a half; only one man seems to have been a little tortured. The Magistrate commits to the Judge their persecutors, and the Judge does—what most Company's judges do—decides against the Christian, European or native. It is quite a common case—has happened to ourselves a hundred times; we are quite accustomed to be decided against. Messrs. Page and Underhill cannot expect to fare better than other European 'interlopers.' Throughout Mr. Kemp's decision run two ideas that are stereotyped in Anglo-Indian minds, which are, that the 'interloper,' whether missionary or planter, who comes before the courts, is either a fool—(this idea is not so absurd)—or a knave; that he must always be the oppressor, and can never be oppressed, or he would have righted himself; and that native Christians—'apostates' from heathenism, as Mr.



In the appendix to the Missionaries' petition, there are these statements :—

"The purchaser of an estate must be prepared to contest numerous lawsuits with his neighbours, to keep in his pay a body of club-men sufficiently powerful to overawe theirs, and to make two or three quarterly payments to the collector, before the estate has yielded him any income. It is owing to these difficulties that so few English capitalists have laid out their money in the purchase of land in Bengal."

"An able Government officer once remarked in a conversation with the writer, that 'the reason why the lower provinces are called *settled*, must be, because everything in them (concerning boundaries) is *unsettled*, just as *lucus* is so called a *non lucendo*.'"

"A 'statute of frauds' should be enacted, declaring the prevalent practice of *benami* (anonymous or pseudonymous) possession to be illegal. The ostensible owner should be treated by the law as the real owner to all intents and purposes. The system of secret trusts, now prevalent, is a gigantic fabric of iniquity and fraud, to which the world probably cannot furnish a parallel."

"The position assigned to zemindars by the law, is very peculiar. They are neither bonâ fide landowners, nor bonâ fide fiscal officers, appointed to collect the land-tax. They are almost all, however, in the habit of treating their râyats not merely as their tenants, but as their serfs. They call themselves rajahs or kings, and the râyats their subjects. They almost universally either claim more than their due, or else they claim it in an improper manner, for it is not easy to determine what really is their due. They exact contributions from their râyats when a marriage or a birth or a death takes place in the family. They exact contributions for the avowed purpose of observing funeral rites in commemoration of their dead ancestors, and of celebrating the annual heathen festivals. These practices are almost universal. In numerous localities they exact from the râyats gratuitous labour in the field or at the oar; and compel the poor people to allow them, without payment, the use of their cattle or of their boats, if they possess any. It is not unusual, especially at a considerable distance from the civil stations, for zemindars to go still further in the abuse of their power, by inflicting imprisonment and torture upon any râyat who may have incurred their displeasure."

Zemindaree System.

Can we wonder that witnesses of such a state of things should, before the last charter was granted, have addressed Parliament thus?—

"That your petitioners believe, that a strict and searching inquiry into the state of the rural population of Bengal, would lead your Honourable House to the conclusion, that they commonly live in a state of poverty and wretchedness produced chiefly by the present system of landed tenures and the extortion of zemindars"

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Kemp politely calls them—must be rascals. These ideas are universal in India; so universal, that even the traduced classes themselves concur in them.

"It is with regret that we have read Mr. Kemp's decision. The conclusion we are irresistibly led to form, from this perusal, is, that Mr. Kemp had decided the case, on the abovementioned Anglo-Indian principles, before he had ever seen a paper in the case, and then tried to defend his conclusion from papers afterwards furnished to him. Mr. Kemp is one of the Company's crack judges. What must the others be?

"But the case of the Baropakhyas Christians is but a drop in the bucket to what is daily suffered in Burisâl. For several years, before Planters dared to speak out, we tried, in the correspondence columns of the *Englishman*, to excite public attention to the state of that unhappy district. We have heard of a Darogah getting Rs. 3,000 in a single case. We have heard of a Thannah Mohurri, whose salary is Rs. 7 a month, returning home after six months with savings amounting to Rs. 600. We have heard that the salt peons receive a salary of Rs. 4 a month, out of which they are expected to provide a boat, which alone costs Rs. 7 monthly. Were things worse in Oude? Did we annex Oude because 500 villages were depopulated? We can show as many in Tipperah. We were blamed because we said the name of Englishman had begun to stink in the nostrils of the people. Have not the planters of Serajgunge, in their petition, proved that our assertion was no exaggeration? We must have a Parliamentary Commission."

dars, aggravated by the inefficiency and the cruelties of the peace-officers, who are paid by the Chowkedarry tax or by the Government."

Or that later still, they should thus have addressed Lord Dalhousie, when his government was drawing to a close, with the hope that should the subject ever be discussed in Parliament, he would bring to bear upon it his ability and influence?

"The conviction that even after returning to England, and commencing afresh to take an active part in the labours of the imperial legislature, your lordship will always endeavour to promote the welfare of India, encourages us to give expression to the wish that your lordship's special attention might be directed to the lamentable condition of the peasantry of Bengal, to the causes of that condition, and to the best means of ameliorating it. We take the liberty of alluding to this subject not merely because we know both from our own experience, and from the testimony of other missionaries, that the present working of the zemindaree system is one of the most powerful obstacles to the spread of Christianity in this country; but also because we are convinced that it is a great and growing evil, particularly when considered in connection with the general character, both of zemindars and rāyats. It encourages the concealment, and consequently the commission of crime. It impedes the administration of justice; and whilst it emboldens the rich to set the law at defiance, it leads the poor to despair of obtaining redress, even against the greatest wrongs that may be inflicted upon them. We have reason to believe that a spirit of sullen discontent prevails even now among the rural population, from an impression that Government is indifferent to their sufferings. The zemindaree system may be convenient as a fiscal measure; but, on the other hand, the experience of sixty years proves that it tends to demoralize and pauperize the peasantry, and to reduce this fair and fertile land to a condition similar to that under which Ireland suffered so grievously and so long."

Or can we wonder that they should have addressed the Lieutenant-General of Bengal, and through him the Governor-General in Council, in these words?—

"That your Petitioners recognise in the perpetual settlement an important boon to the whole presidency, in its limitation of the land tax, and they regard that settlement as the probable foundation of great national prosperity. But in the practical operation of the system, your Petitioners observe two distinct classes of evils.

"*First*, the under tenures are insecure; the rents of the cultivating classes are capriciously varied; and the interests of those classes are virtually unprotected.

"*Secondly*, the zemindars are armed with extraordinary and excessive powers.

"That your Petitioners believe it to be notorious, that the intentions of the laws for securing leases to the tenants; for securing them receipts on their payments of rent; for limiting within just bounds the rents reserved in leases; and for checking the custom of exacting abwabs and other arbitrary additional charges and cesses, are commonly frustrated and defeated. On the other hand, the power of the zemindars, (as recognised in Reg. VII. of 1792, Sec. 15, cl. 8,) to compel the personal attendance of their tenants, for the adjustment of rent and other purposes, is, particularly in many parts of the country, a substitute for the regular and ordinary processes of the law, and is virtually the subjection of the tenants to a state of slavery. And, further, this evil is in many instances greatly aggravated, by the estates being held in co-tenancy, so that several shareholders, who are often in a state of conflict, equally exercise an arbitrary and unrestrained authority.

"That while this law thus presses severely on the tenants, your Petitioners observe, that from the increased cultivation of the soil, and the greatly increased value of its produce, the zemindars, who were primarily regarded simply as collectors of the land tax or farmers of the revenue, entitled to a fair profit on the returns, derive



a revenue greatly in excess of the revenue which they pay to Government. And thus, contemporaneously, while the zemindar has been rising in wealth and power, the tenant has been sinking into penury and dependence, subject to illegal and exhausting exactions, harassed by contending proprietors, and oppressed by the exercise of extra-judicial powers.

"That your Petitioners are compelled to add, that other evils increase the wretchedness of the condition to which a tenant is thus reduced. The village chowkedars are the servants of his landlord; the government police are corrupt, and he cannot vie with his landlord in purchasing their favour; the courts of justice are dilatory and expensive, and are often far distant from his abode, so that he has no hope of redress for the most cruel wrongs; and he is frequently implicated in affrays, respecting disputed boundaries, in which he has not the slightest personal interest. Ignorant of his rights, uneducated, subdued by oppression, accustomed to penury, and sometimes reduced to destitution, the cultivator of the soil in many parts of this Presidency, derives little benefit from the British rule, beyond protection from Mahratta invasions.

"If fixity or permanence of tenure were established, then, immediately, as your Petitioners believe, the tendency would be to establish just relations between the landlord and the tenant from the highest to the lowest; and that principle, your Petitioners therefore earnestly desire to see adopted and carried out. At present it is infringed, in the first instance, by the right of the Government to sell the land for arrears of revenue, and thereby avoid the under-tenures with some few exceptions; and then, still more, by the entire absence of protection to the tenants, and the undefined relations of landlord and tenant through the Presidency.

"That your Petitioners believe that they have truly and accurately represented the condition of the cultivating classes. Your Petitioners believe it to be true, that superadded to the evils they endure from a corrupt and inefficient police, and an administration of civil and criminal justice which confessedly requires extensive improvement, they are liable to be constantly harassed by the conflicting and unsettled claims either of contending shareholders of joint estates, or of contending neighbouring proprietors; by the severe laws of distraint and arrest; by the power of their superior landholders, whether zemindars or middlemen, to compel personal attendance at their pleasure; by illegal exactions; by the unfixed nature of their tenures; and by the prevalent custom of refusing both leases and receipts."

## II. POLICE AND JUSTICE.

I must now turn to the police system, and the administration of justice, and inquire how far this is calculated to remedy such a state of things. I will cite a few authorities on these points.

"A separate petition, signed by 1,800 Christian inhabitants of Bengal, was presented to Parliament in 1853, in which they stated that the 'police of the Lower Provinces totally fails as respects the prevention of crimes, apprehension of offenders, and protection of life and property; but it is become an engine of oppression and a great cause of the corruption of the people;' 'that torture is believed to be extensively practised on persons under accusation;' and that all the evil passions are brought into play, and ingenuities of all kinds, both by people and police are resorted to;' and this petition also bore strong and emphatic testimony to the wretched condition of the people, and the unsatisfactory state of the judicial system."

Petition,  
1853, by 1800  
Persons.

Again, the Missionaries, in their petition to the Governor-General in Council, make this statement; and one of the points they here notice is almost *the only one not admitted by Mr. Halliday* in his Minute on their petition, namely the feeling of *discontent and hatred* arising in the people. If they are not discontented and angry they must indeed be a marvellous people; and I for one should think the evidence of the

missionaries more worthy of credit than even Mr. Halliday's *on this point*, considering that he has not permanently resided among the people since 1843, when he became Secretary to the Government of Bengal.

Missionaries' Petition to Legislative Council.

"That your Memorialists would now look to his Lordship, the present Governor-General in Council, and the Legislative Council of India, at this season of peace and financial prosperity, to deal with these important matters with adequate earnestness, and with a view to comprehensive and complete reforms. *Your Memorialists feel themselves bound to declare, that they view with alarm, as well as sorrow, the continuance of the evils which they have so long deplored, and the effects of which are seen in the demoralization and the sufferings of the people; and that they believe that measures of relief can with safety be delayed no longer; as from the information they have acquired, they fear that the discontent of the rural population is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds.*

"That a Bill, called an Affray Bill, was read a first time in Council about three years ago, the object of which was to render liable for affrays, not merely the ignorant clubmen who are hired, or the dependent tenants who are compelled to take part in them, but those also for whose benefit they are undertaken, and without whose connivance they would not occur; and that your Memorialists believe, that the official information by which the necessity for that measure was proved to the Government in 1853, would satisfy the present Government, that practices are common, in the Mofussil, of reckless lawlessness and violence, and that there is such an indifference to human life and suffering, as indicates a fearful state of demoralization and anarchy."

A long resident in India says on this point—

"The police is not the worst in the world, only because, in the proper acceptance of the term, there is no police at all, but a system of organised chicanery and oppression."

The *Friend of India* says—

Friend of India.

"Disgust is lost in astonishment at the mysterious principle of cohesion by which it is still held together."

Another writer says—

Torture by the Police.

"In my last, I intimated that torture by the police was not confined to the presidency of Madras. I will now substantiate my assertion. And in order to avoid all doubt, the instances I shall give shall be taken from the records of the Sudder Nizamut Adawleet, the highest court of appeal in all criminal cases, and other unquestionable authorities. The district of Dinagepore, in which Maldah is situated, lies some 200 miles to the north of Calcutta. On the 14th November, 1853, seven police officers proceeded to arrest Bhador Nussou, on the charge of dacoity, that is burglarious robbery. One officer was a darogah, the chief of the police of that division; the second was the next in command; the rest were common policemen. The prisoner was first bound hand and foot, and beaten. The darogah himself then beat him with a whip on the back. As the stolen property was not forthcoming, the man was again beaten. The poor wretch now pointed at some property as stolen, which in fact belonged to the man with whom he lived. It did not satisfy his tormentors, and he was beaten senseless. At the order of the chief officer, a bamboo was now brought, on which he was slung, tied hand and foot. On reaching the cowshed, where the police had other prey, he was found to be dead. The beating was skilfully performed by sharp raps on the joints, also by punching him with sticks so as to leave no external marks. By the medical officer it was considered that the further torture had been used of rolling two sticks fastened together down



the thigh and leg. This was done to extort from the man the plundered property and the names of his accomplices. After all, it would appear that he was innocent.\*

"Only in January last three police officers were convicted at Saharunpore of torturing, beating, and starving ten men, in order to obtain information of some robbery. The torture was suspension from a tree by the arms, like that mentioned above. This was continued for several days. One man died. At Ahmenabad, a police officer was dismissed for suspending a man to a beam by the hair of his head, and having had the man beaten while thus suspended. It is a very common mode of torture by the police to put red pepper, or the dust of chillies, into the eyes of prisoners or suspected thieves, to make them confess."—(*Cheevers*, p. 216.)

"A few years ago the house of the missionary of Dinagore was assaulted by dacoits. He escaped, but his native preacher was killed. Several men were convicted, chiefly on their own confession, and punished for the crime. During the trials the attention of the judge was called to the state of the prisoners' feet. They bore evident marks of torture. No notice, however, was taken of the fact. Not long after, a gang of robbers was arrested, which it was proved had committed the crime. The punished men were innocent, and the confessions which led to their conviction had been extorted by the cruellest and most atrocious means.

"But these instances are enough. Ask any judge or magistrate in Bengal, and he will tell you that torture is practised by his police; that the object is not to discover the criminal, but some one who will confess the crime. Often the police are bribed by the guilty party. If the crime cannot be hidden, an innocent man is seized, and by tortures of the most atrocious kind, he is induced to confess that he has committed the offence. It is so notorious, that criminal prosecutions are often dismissed by the magistrates, because the confessions are obviously constrained. Nor will the practice cease until the confessions of prisoners are deemed of less importance than they are by the administrators of justice.

"It would occupy too much room to detail to your readers how these gentry oppress the peasantry of Bengal. How the appearance of the police in a village is a signal to bury food and treasure, or for the inhabitants to flee. How any offender, if rich enough, may usually bribe the thief-taker, and even purchase his good offices to fasten the crime upon an unoffending neighbour. How torture is not unfrequently employed to extort money, or confessions of guilt, or accusations against innocent men. All this, and much more, is so common in Bengal, that the sufferings of the ràyat now pass unheeded, the commonness of such things has produced indifference.

"But this is not all. The evil is increased by the inexperience of the persons appointed to the magisterial office. On arriving in this country the juvenile civil servant is placed under a superior to gain a knowledge of business, and to prepare for future service. But so low in estimation, or rather in the scale of emolument, has the Honourable Company placed the magistrate's office, that it is for the most part filled by young and 'therefore unqualified' men. The introduction of these inexperienced men has largely increased of late years. In 1850 the average standing of magistrates was nine years and eight months; it is now so low as six years and ten months. No wonder that Mr. Halliday should affirm that 'our magistracy is losing credit and character, and our administration is growing perceptibly weaker.' The evil is greatly increased by the confined nature of the civil service itself. It is not large enough to supply the demands for efficient officials which are increasingly made upon it, with the increasing area of our Eastern dominions. Besides which, the magnitude of the population committed to the jurisdiction of one man far exceeds the powers of the most able and experienced official. It is a mockery of government to expect that one man can efficiently discharge the duties arising out of the police and judicial administration of half a million of people.

Inexperience  
of  
Magistrates.

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\* I do not advert to the system of torture with the view of implicating the Government, who, I believe, have done what they can to abolish it, but because it is hardly possible to take a just view of the miseries inflicted by the police without adverting to it. It will take years to eradicate it, as the system prevails throughout society in India: even parents will torture their children, and it has come down to the people from their ancestors as a venerable institution.

Frequent  
changes of  
Officials.

"There is, however, another evil, and one of great magnitude, to which Mr. Halliday does not refer, but which ought not to have been passed over—I mean, that of the frequent removals from place to place, and from office to office, of the servants of the Company. Scarcely is a man seated in his chair, than he is whisked off to another spot. He is appointed to another district, and often very different kind of labour, of course in all cases obtaining a higher remuneration. Thus in the district of Dacca, the average time of continuance in the magistrate's office has been for the last twenty years not ten months, scarcely a sufficient period to learn the names of the chief towns of the district which the individual is appointed to govern.

"I will take a name or two at random from the Register of Civil Servants and their appointments, just to elucidate the extent of this evil. Here is a well-known name among Indian officials, Lushington—Henry Lushington. He arrived in India the 14th of October, 1821. Up to May 9, 1842, he had filled no less than twenty-one offices—a change every year. But during this time he returned to Europe twice, and was absent from India four years and a quarter. His occupancy of each office therefore averages scarcely *nine* months.

"Thousands of square miles of country, inhabited by millions of people, would have neither justice nor protection, were it not for the illegally assumed power of the planter and zemindar. There are districts in which the magistrate's court is sixty miles away, and in one case I know of a judge having to go 140 miles to try a case of murder, so wide does his jurisdiction extend. This very district contains upwards of two millions of people; yet to govern it there are just two Europeans, and one of these spends a considerable portion of his time in sporting, shooting wild animals, and hunting deer."

There are but 70 European magistrates—1 to 460,000. An old resident in India says, there are three or four cases of a single magistrate to more than a million souls. This is in a country where roads are *very* scarce.

A writer before quoted, says—

"No man in his senses will resort to a court of law in Bengal. The result is only sure to that side which can lie with most assurance, and bribe with the longest purse. What with delay, the inefficiency of the magistrates and judges, the unblushing corruption which prevails from the highest to the lowest official, the civil servant only excepted, justice is the scarcest of all commodities in Bengal. There is no doubt of it. In every part of Bengal which I have visited, I never met with but one opinion about it. From Burdwan in the north-west, to Chittagong in the far south-east, the testimony of all classes of people is uniform; all agree that the courts of the Company are nests of corruption, perjury, and injustice. I have already spoken of the faultiness of the judicial and police administration. I may be pardoned this continual reference to it. It is truly the spring of by far the larger part of the evils under which the people of Bengal suffer. An unexpected proof of this has just occurred, and the source of it is the highest authority in the country. No man has a more wide and perfect knowledge of Bengal than Mr. Halliday, its able Lieutenant-Governor. In a Minute he has lately recorded he has laid bare the existing system to its core. Well may the editor of the *Friend of India* remark, 'The execution of justice in Bengal depends, therefore, upon men whose first hope is to escape starvation, and their second is to avoid the just expiation of their deeds upon the gallows.' I hope that not a day will be lost by some member of the House of Commons in moving for the production of this remarkable Minute or Report on the judicial administration of Bengal."

Mr. Halli-  
day's Minute.

This most remarkable Minute I am happy to inform the House that I have seen, and I hold in my hand a reprint of it. I must be permitted to read some extracts to the House.



# MINUTE BY THE HON'BLE THE LIEUTENANT-GOVERNOR OF BENGAL.

## POLICE AND CRIMINAL JUSTICE IN BENGAL.

*Police.*—For a long series of years complaints have been handed down from administration to administration regarding the badness of the Mofussil police under the Government of Bengal, and as yet very little has been done to improve it. Such efforts as have occasionally been made for this purpose, have been usually insufficient to meet the greatness of the evil; partial remedies have failed to produce any extensive benefit; and, during long intervals, the Government has appeared to fold its hands in despair, and to attempt nothing new, because the last tried inadequate measure had ended in inevitable disappointment.

3. *Former Measures.*—For what, after all, has been done to improve the police during the last thirty years? We have ceased, it is true, to expect integrity from darogahs with inadequate salaries and large powers, surrounded by temptations, and placed beyond the reach of practical control; and we have somewhat curtailed the excessive and unmanageable extent of our magistrates' jurisdictions by the gradual establishment of thirty-three\* sub-division magistrates. But beyond this, and not speaking at present of the special and peculiar machinery lately set up in a few districts for the suppression of dacoity, I know not what else has been attempted; and, even with regard to these two instalments of improvement, the halting, hesitating way in which they have been effected has prevented the full benefit which might otherwise have been expected from them. Before the first of these improvements, our stipendiary police in the Regulation Provinces consisted of some four hundred and eighty-four darogahs or thannadar, scattered at distant intervals over a territory of 150,000 square miles, and a population of 35,000,000 souls—being, say, one darogah or superior police officer to 309 square miles and 72,314 souls. Each of these potent functionaries was paid rupees 25 a month—avowedly less than he could live and move about upon—and each had under him, generally, a mohurir or clerk, and a jemadar or head constable, on salaries ranging from rupees 4 to 8 a month each, but with powers equal on most occasions to the darogah himself. Subordinate to these at each thannah was an establishment of from ten to twenty burkundauzes or constables, often deputed with large powers into the interior, and paid, each man, from rupees 3-8 to 4 a month—a salary notoriously inadequate. It was a step in the right direction, doubtless, when the government of Lord Auckland determined thenceforth to pay no darogah less than rupees 50 per mensem, and to allow to one hundred of the number rupees 75, and to fifty of them rupees 100 per mensem. But the good of all this was tarnished by the omission to do anything for the lower grades of police officers. For it was impossible to become a good darogah without an apprenticeship; and when the apprenticeship was to be served in the midst of great power, great temptation, and the traditions of unavoidable corruption in the station of a thannah mohurir on rupees 7 a month, what was to be expected from such a training?—or how, train the darogah as you might, could you expect purity and integrity until you had cleansed away from about him the foul atmosphere of corruption necessarily engendered by the aggregation of ill-paid and unscrupulous underlings with whom bribery and extortion were almost a necessity, and had long been the habit of their lives?

4. *Recent Recommendation.*—I last year submitted to the Government of India an earnest recommendation, founded on Mr. Dampier's propositions, for an increase to the salaries of mohurirs, jemadars, and burkundauzes, by a system of gradation.†

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\* This is now the number of sub-divisions in the Regulation Provinces.

† Full details of the proposed measure, and cogent arguments for its adoption, will be found in Mr. Grey's letter to the Government of India, No. 774, of 30th April, 1855. It was proposed to divide mohurirs into three grades, on rupees 30, 35, and 40 per mensem; jemadars into three grades, on rupees 10, 15, and 20; and of the burkundauzes, one-fourth at rupees 6 per mensem, one-fourth at rupees 5, and the rest on rupees 4. The whole increased cost to be incurred would be rupees 333,609 per annum.

And, unless financial difficulties interpose, I cannot doubt that this measure must ultimately be honoured by the approval of the Governor-General in Council. But if this be not granted, all thought for the improvement of the police will, I fear, be but thought thrown away.

5. *Sub-division Magistracies*.—Beyond all doubt, we shall ever fail to establish a good and trustworthy system of police, unless—together with other improvements—we establish a close, constant, and vigorous control over our police agents, and a ready access to justice for all persons, so that the appeal of the weak against the strong may be at all times possible and effectual.

6. Throughout the length and breadth of this country, the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money. The native police, therefore, unless it be closely and vigorously superintended by trustworthy officers, is sure to be a scourge to the country in exact proportion to its strength and power. For this indispensable superintendence, no adequate provision has ever yet been made; nor can any provision be considered adequate which does not supply, at least, one capable and trustworthy magistrate for every two, or, at most, every three thannahs. At present, however, our establishments do not comprise more than seventy executive magistrates, covenanted and uncovenanted, over four hundred and eighty-four\* thannahs, being at the average rate of about seven-and-a-quarter thannahs to each magistrate—a proportion much below what is requisite; and the distribution of even this number of magistrates is extremely irregular.

7. *Village Chowkeydars*.—Of the vast importance of the rural police, the village chowkeydars, and the strong necessity for fortifying and improving their character and position, there has never been but one opinion. Yet, though more than one expedient for this purpose has been devised and discussed, nothing has ever been carried into execution, and it is a lamentable, but unquestionable fact, that the rural police, its position, character, and stability as a public institution, have, in the Lower Provinces, deteriorated during the last twenty years. It is now diminished in number and impaired in efficiency, while its rights have been seriously and successfully attacked and undermined; so that, unless some speedy measures be taken to save it, it is in danger of perishing altogether from the face of the land, and passing out of use, if not out of remembrance.

10. The great difficulty indeed regarding the village police, which has been commented upon by all who have directed their attention to the subject since the beginning of the century, is that they are inadequately and uncertainly paid. They are kept in a permanent state of starvation, and though, in former days magistrates battled for them with unwilling zemindars and villagers, and were encouraged by Government to do so, it has been discovered in later times that this is all against the law. Village watchmen are now declared to have no legal right to remuneration for service, and (the help of the magistrate being withdrawn) they have no power to enforce their rights, even if they had any rights to enforce. Hence they are all thieves or robbers, or leagued with thieves and robbers, insomuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman.

12. Yet, miserably impaired as the institution of the village police has become, it is still true that no police can be effective without their help, and that, as stated in the Minute of Lord Hastings, dated 2nd October, 1815, "It is from the chowkeydars that all information of the character of individuals, of the haunts and intentions of robbers, and of everything necessary to forward the objects of police, must ordinarily be obtained; they are the watch and patrol to which the community looks for its immediate protection, and on the occurrence of a crime, the darogah's only mode of proceeding is to collect the watchmen of all the neighbouring villages, and to question them as to all the circumstances, with a view to get from them that information which they only can afford."

13. The village chowkeydars are in short the foundation of all possible police in this country, and upon their renovation, improvement, and stability depends the

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\* I find this the number of thannahs in the Regulation Provinces in the Appendix to the Circular Orders of the superintendent of police printed in 1854.



ultimate success of all our measures for the benefit of the country in the prevention, detection, and punishment of crime. To what a state of corruption, however, this important branch of the police system had fallen, was strongly illustrated by the late Mr. Bethune, in his Minute of the 27th May, 1851, of which the following is an extract:—

“The evidence I have seen of this is now thirteen years old, but the complaints recently made of outrageous dacoities and acts of violence point rather to a deterioration than to an improvement of the practical working of the system since that time. I took the following striking comparison from Speede’s Criminal Statistics of Bengal, in which some of the results obtained by the Police Commissioners in 1837, have been digested and arranged in a tabular form. The returns made to Government for the years 1833-4-5-6, show the average number of persons annually convicted for crimes and offences\* *of all kinds* in those years to be 31,843, and taking the population of the districts to which these returns apply to have been 38,717,874, as estimated in the magistrates’ returns, the proportion is about 1 convict to 1,219 persons.

“The Commissioners of 1837 obtained also a return of chowkeydars dismissed from the police force during the years 1835-6-7, with the causes of dismissal.† *Were they no worse than the rest of the population*, the number of persons among them guilty of *every kind of offence known to the calendar*, at the rate of 1 in 1,219, would be under 107 annually, or 321 in the three years included in the return. What were the facts? The whole number of chowkeydars dismissed for misbehaviour in those three years, instead of 321, is 1,130.

|                                          |       |
|------------------------------------------|-------|
| Of whom for murder and Thuggee . . . . . | 19    |
| Burglary . . . . .                       | 39    |
| Robbery and theft . . . . .              | 357   |
|                                          | <hr/> |
|                                          | 415   |
|                                          | <hr/> |

that is to say:—

“Nearly one-fourth more, in proportion to their number, *for these heinous crimes*, than were convicted in all the Lower Provinces of Bengal *for all offences of every kind*.”

The whole is summed up by the Commissioners in the following terms:—

“The most urgent necessity exists for a thorough revision throughout the country. The establishment (of village watchmen) is described not only as utterly useless for police purposes, but as a curse instead of a blessing to the community. *It is even a question whether an order issued throughout the country to apprehend and confine them would not do more to put a stop to theft and robbery than any other measure that could be adopted.*”

14. Various plans have been proposed for amending this state of things, and a good deal of paper has been covered with written discussions regarding them, but nothing has ever been done; so that many persons have come to think it a thing impossible to do any good in that direction, and have ceased from all effort accordingly.

18. *Administration of Criminal Justice*.—I am satisfied, however, that it will be vain to improve the agency for the detection and apprehension of criminals, unless we improve also the agency for trying them.

Police reform, in India at least, is a word of large signification, and extends to our criminal judicatories as well as to the magistracy and constabulary organisation. At present our criminal judicatories stand in need of much amendment, and unfortunately the method of amending them is a question which admits of much diversity of opinion,

19. They certainly do not command the confidence of the people.

20. That this is the case may, I think, be inferred from many parts of Mr. Dampier’s elaborate reports. I have myself made much personal inquiry into this matter during my tours. Whether right or wrong, the general native

\* Speede’s Criminal Statistics, page 149; and page 174.

† Speede’s Appendix, page 7.

opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminals; and I think this also is very much the opinion of the European Mofussil community.

21. No complaint is more common among magistrates and police officers of every grade than that of the disinclination of the people to assist in the apprehension and conviction of criminals. From one end of Bengal to the other the earnest desire and aim of those who have suffered from thieves or dacoits, is to keep the matter secret from the police, or, failing that, so to manage as to make the trial a nullity before the courts. Something of this is due perhaps to the natural apathy of the people, though it cannot fail to be observed on the other hand that where they have any object to gain, the same people show no apathy or unreadiness, but remarkable energy and perseverance, in civil and criminal prosecutions. More no doubt is due to the corruption and extortion of the police, which causes it to be popularly said that dacoity is bad enough, but the subsequent police inquiry very much worse. But after allowing for both these causes, no one, conversant with the people, can have failed to remark how much of their strong unwillingness to prosecute is owing to the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our courts, and the exceeding chances of escape which our system allows to criminals. Often have I heard natives express, on this point, their inability to understand the principles on which the courts are so constituted or so conducted, as to make it appear in their eyes as if the object were rather to favour the acquittal than to insure the conviction and punishment of offenders; and often have I been assured by them that their anxious desire to avoid appearing as prosecutors arose in a great measure from their belief that prosecution was very likely to end in acquittal, even, as they imagined, in the teeth of the best evidence, while the acquittal of a revengeful and unscrupulous ruffian was known by experience to have repeatedly ended in the most unhappy consequences to his ill-advised and imprudent prosecutor.

22. That this very general opinion is not ill-founded may, I think, be proved from our own records.

23. Appended to this Minute, is a note and certain statistical returns prepared by Mr. Secretary Buckland, from which it may be gathered that for fourteen burglaries committed, only one burglar is punished; and that even in thefts, which are matters of easier detection and punishment, the average proportion of convictions is only of three persons to eight offences.

26. From any sentence passed by a magistrate beyond a fine of rupees 50, or one month's imprisonment, there may be an appeal to the sessions judge, and from every sentence passed by a sessions judge there may be an appeal to the Sudder Court. Of the total 4,000 persons annually committed to the sessions for heinous crimes, it appears that the conviction of 1,735 takes place in the sessions effectually, and of 332 in the referred trials to the Sudder; so that of the whole number committed, very nearly one-half is eventually acquitted.

27. That a very small proportion of heinous offenders are ever brought to trial, is matter of notoriety. It now appears that half of those brought to trial are sure to be acquitted. Is it to be expected, then, that the people should have confidence in our system, or that they should show any desire to assist the police, knowing as they do from experience the miserable results to be obtained?

28. I must say that this appears to me the weakest point of our whole system and that which most loudly calls for an effectual remedy. No doubt the badness of the police and the inefficiency of the tribunals act and re-act on each other, and both are concerned in bringing about the deplorable existing consequences. But until the tribunals are reformed, I can see no use in reforming the police, and I think it will be money thrown away to attempt the latter unless we are determined vigorously to insist on the former. We have been hitherto debating about both for many years without much practical effect, and in the meantime, to take only one crime, and only the seven districts round about Government House, we have seen dacoities increase from 82 in 1841, to 524 in 1851! It is true that under a special agency this has since been reduced to 111 in 1855. But the operations of this agency have shown more than anything else the utter inability of our ordinary institutions to cope with the enormous social evil that is ever rising up in defiance before it.



29. *Inexperience of Magistrates.*—Even if our tribunals were all we could wish, and if our police were fully reformed, what would it avail us so long as our superintending magistracy was for the most part in the hands of inexperienced and therefore unqualified young men? Yet this has not only been long the notorious fact, but peculiar and accidental circumstances, partly temporary and partly arising out of the constitution of the civil service, have at this moment made the inexperienced condition of the magistracy more observable than it has ever been before, while it seems certain that the evil during several succeeding years is likely very seriously to increase. I have appended to this paper a note by Mr. Grey on this very subject.\* Those who are conversant with the working of our system are aware that this is (under present rules) an evil that cannot be resisted; while it exists, although certain of our young magistrates often display efficiency and ability beyond their years, yet on the whole our magistracy is losing credit and character, and our administration is growing perceptibly weaker, and yet I grieve to be obliged to affirm that the evil will infallibly increase within the next three years unless an early remedy be applied. Does anybody imagine that while this lasts our Bengal police can be reformed?

30. *Five Measures Proposed.*—It appears to me then that in order to an effectual improvement of the police in the Lower Provinces, the following principal measures are indispensably necessary:—

(1.) The improvement of the character and position of the village chowkey-dars or watchmen.

(2.) Adequate salaries, and, I may add, fair prospects of advancement to the stipendiary police.

(3.) The appointment of more experienced officers as covenanted zillah magistrates.

(4.) A considerable increase in the number of the uncovenanted or deputy magistrates.

(5.) An improvement in our criminal courts of justice.

40. We must do our utmost to carry the people with us in our police reforms; at present they will readily admit old established obligations to maintain village watchmen in a certain customary proportion to the size of each village, and to pay them after a certain usage, which differs somewhat in different villages, but has long been accommodated to old habits and customs in all. They will not, however, regard with favour a distinct and precise taxation for a new police, the application of which they will doubt, and the object of which they will be very likely to misunderstand; and, unfortunately, our knowledge of the people and our intercourse with them, through distantly placed, often inexperienced, and but too frequently changed, Mofussil magistrates, is not sufficiently intimate and cordial to allow as yet of our acquiring their confidence, and thereby their co-operation, in plans for the improvement of their old institution. Hereafter, when we shall have placed trustworthy magistrates in adequate numbers, and in the centre of manageable jurisdictions, I do not doubt that we shall be able gradually to influence the people more effectually than we can now pretend to do, and so to carry them with us as to obtain their intelligent assent, and with it their hearty assistance to all our measures. We must, in short, obtain their confidence in our magistracy and police system before we can hope for their co-operation, and this cannot be expected under our present imperfect organisation.

43. *More experienced Magistrates.*—The third measure on my list relates to the youth and inexperience of the covenanted magistrates. This is a very serious evil, and it is absolutely necessary to remedy it. It arises out of the numerical inadequacy of the covenanted service to supply the number of officers required

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\* The average standing of the magistrates of the 25 districts which have separate magistrates, was in 1850, nine years and eight months. The average standing of the officers now serving as magistrates in the same districts is only six years and ten months.

In 1850, there were only two magistrates below seven years' standing, now there are 15 such. The youngest officer officiating as a magistrate in 1850, was of five years' standing, the youngest officer now officiating as magistrate is of less than three years' standing.

(Signed) W. GREY,  
Secretary to the Govt. of Bengal.

by the existing system. It has been a matter of reproach to the service for many years, but it has very much increased of late, owing to the growing disproportion of men to offices. It has, in a manner painfully perceptible to me in my visits to the different districts, impaired the force, dignity, and efficiency of our administration in the interior; and in all cases in which the youth and inexperience of the officer is not, as it sometimes is, counterbalanced by unusual ability and force of character, it has brought the all-important authority of the zillah magistracy into marked slight and disregard, and sometimes into actual contempt. It is certain still more to increase under the present system, and no addition to the number of the service can remedy it for many years to come.

The nature of the duties and responsibilities of collectors' offices requires that they should be held by officers of a certain standing and experience; but the actual work of those offices has become, with a few exceptions, so notoriously light, that full leisure is left for the efficient performance of a magistrate's business; and there is undoubtedly nothing in the nature of the two duties in these provinces, where the collection of the Government revenue is almost mechanical, and the interference of the collector in the realisation of the zemindar's rent from his tenants is purely judicial, to make them in the smallest degree incompatible. To re-unite them, therefore, is now the mere dictate of prudence. It will at once place the superintending magistracy of each district in experienced hands, will economise labour, will remove a standing reproach against the Government, and will restore to the Mofussil administration that strength and weight which the present youth and inexperience of our "boy magistrates" have very sensibly and seriously impaired. This measure was proposed by Lord Dalhousie in 1854, and the reasons in its favour which then existed have been greatly enhanced by the occurrences of the past two years. I earnestly trust that the advantages which it offers, and which are enjoyed by all other parts of India, including all our recent acquisitions, will no longer be denied to Bengal, where, in fact, they are most urgently needed, and where the theoretical objections to the system, weak as I believe them to be everywhere else, have literally no kind of practical application.

By those who object to this, in my judgment, most useful and necessary measure, two methods have been proposed of remedying the great present evil, which nobody denies, of the youth and inexperience of the magistrates. One is to make the magistrates and collectors, as it were, change places; to let the young and inexperienced officers become, after their present brief training, collectors on the present salaries of magistrates, and to let them thence rise to the office of magistrate, receiving in that office the salary now given to collectors.

This would merely transfer a disease from one part of the administration to another part, and cure the defect in the magistracy at the expense of the efficiency of the revenue department. The revenue department, not less than the magistracy, requires maturity of standing and experience; and the Government, as well as the people, would suffer if the office of collector were placed generally in young, inexperienced, and unpractised hands.

45. If this were done, the step to which the junior now rises from his first and insufficient training, instead of being as now that of a magistrate in full charge of a district as large as three counties, would be, with perhaps the same or nearly the same pecuniary advantages, the more suitable position of a deputy or subordinate to the experienced collector magistrate, and the Zillah magistracies, instead of being in the hands of youngsters of three, and perhaps even less than three, years' standing, would not be attained to under a standing of at least ten years, and probably much more.\*

46. *Increase of Deputy Magistrates.*—The next necessary measure is an increase to the magistracy, and this can only be by an increase to the number of uncovenanted deputy magistrates.

47. It is vain to talk of police reform so long as the police are under no closer superintendence than that of a magistrate from 30 to 60 miles off (or even more), in a country where, owing to the nature of the climate and the want of means of

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\* Our present junior collector is of eleven years' standing, and this is at a time of unusually rapid promotion.



communication, a distance of 10 miles is often more than equivalent to 50 miles in England. I will not here parade any statistical facts. Every one acquainted with the country knows how few and far between are our magistrates in the interior, as compared with even the worst organised country in Europe, and every one admits that one of the first steps towards improvement must be to have magistrates at such tolerably convenient distances, that each functionary shall not be at all events more than a few hours' journey from the most distant village in his jurisdiction.

The additional establishments, allowing for some reduction in the present Zillah magistrates' establishment, would certainly bring the expense up to five lacs and a half per annum, or say, with some additional thannahs, six lacs. For this amount, however, I think this very desirable, not to say necessary reform, might be made. And even then, and after adding the amount of rupees 3,38,609, required to render adequate the pay of mohurirs, jemadars, and burkundauzes,\* which would raise the total additional annual expense to rupees 8,88,609, or say, after allowing for all defects of the estimate, ten lacs of rupees, the police charges of Bengal would still be only a little more than the police charges of the North-Western Provinces.† And it must be by no means left out of sight, that the diminution of expenditure at present, in consequence of the diminished numbers of junior civil servants, as compared with the year 1850, is more than a lac and a half of rupees;‡ and as it is in a great measure owing to this diminution, that an addition is required to the uncovenanted magistrates, it is reasonable to set off a large part of this lac and a half, say at least a lac, against the additional charge now asked for, thus reducing the total to a maximum of nine lacs per annum.

79. *Roads.*—I have now recapitulated the five chief improvements which seem to me to be required to place the police of Bengal on a footing of reasonable promise, from which it may gradually advance to a better and still better condition. There is, however, yet another measure which can hardly be omitted in this place, and which may seem of itself almost as important as any of the foregoing. I allude to a measure for the establishment of sufficient means of communication with the interior of districts. It cannot, indeed, be necessary to dwell on the importance of roads and communications to the well-doing of any police system. No system can work well while our police stations and our large towns and marts in the interior are cut off from the chief Zillah stations and from one another by the almost entire absence of roads, or even (during a large part of the year) of the smallest bridle-roads or foot-paths. It may be impossible, in the present state of our resources, to make all over our Zillahs such roads as are fit at all times for wheeled carriages; but where better and broader roads cannot be made, it ought to be an indispensable part of our system to have from the chief Zillah station to all police stations in the interior, and from each police station to the neighbouring stations, at least a raised and bridged foot or bridle-path, so that a man, a horse, a bullock, an elephant, or a palankeen should at all times of the year be able uninterruptedly to pass and repass. There are but few of our Zillahs where this might not be done at a comparatively small expense, if the land were available; and of so much public import is it to have land available for such a purpose, that I should not think it unjust to propose a law, making it binding on all zemindars, and other proprietors of land, to give up sufficient lands for the purpose, free of all cost to the State, except of any standing crops or agricultural produce. In most parts of Bengal the zemindars would do this willingly without any law, and the benefit to the surrounding lands would be of itself sufficient to over-pay the value of the land given.

80. By so digging the earth for the road as to form a small canal, a means of water communication in the rains might be secured, which would be of the highest value to agriculture and commerce, and which would easily bear a light toll, sufficient to pay for the repair (at least) of the road and the canal.

\* See para. 4 of this Minute.

† Provincial Police charges, 1151-52, Bengal, rupees 10,31,386. N.W. P., rupees 16,97,607. See para. 15 of Mr. Secretary Grey's letter to the Government of India, No. 2137, of 30th September, 1855.

‡ The actual difference is rupees 1,54,440.

81. I think that the construction and repair of such roads ought to be an essential duty of each magistrate and division magistrate; that the expense should be estimated and passed once a year, separate from all other public works, and should be considered and calculated on as one of the charges of the police. Such a system, fairly established, and energetically kept up, would, by facilitating the movements of magistrates, of police officers, of despatches, of complainants, and of witnesses, do as much for the improvement of the police as any measure that could be devised, and without it I doubt if any measures could be fully successful.

But, Sir, clear and decided as is Mr. Halliday's testimony, we have no evidence that even his testimony is not considered exaggerated by the Supreme Council of India, which consists of only five members besides the Governor-General himself; for the Minute of Mr. Halliday, sent in to the Council, is dated 30th April, 1856, and yet in October of the same year we find Mr. Dorin writing to the Court of Directors in answer to the Memorialists, in language in direct opposition to Mr. Halliday's Minute; and in the same paper which has been laid on the table of this House, I am still more surprised to find some of the statements of Mr. Grant, because he does in *very important* points declare his *agreement* with the missionaries.\*

Now, Sir, Mr. Dorin and Mr. Grant are *the two civil* members of the Supreme Council, appointed by the Government; while Mr. Halliday is neither in the Supreme nor in the Legislative Council.

Whole subject demands investigation

I think this House must be convinced, from the statements I have just brought before them, that the whole subject demands a thorough investigation; not an investigation that is to stop any measure now in progress for the amelioration of these evils; not an investigation which is to array class against class, and promote discord; but a calm, patient investigation, such as English gentlemen are capable of making, and the result of which ought to be submitted to this House. If I am asked what object would be attained by inquiring into facts which are admitted to a great extent (to say the least) by the authorities in Bengal, I would say there are three objects to be attained by a public inquiry.

Object of inquiry.

1st object.

1st. That it would put all men (who care to know) into possession of the facts which some men only now know. Does the Governor-General know them? Does this House know them? I am tempted to add, Do the Court of Directors know them?

2nd object.

2ndly. That it would put the stamp of the Government of India, the stamp of authority, on the authenticity of the facts, so that it would be impossible to have official denials of those facts from interested parties, either in India or at home.

3rd object.

And 3rdly, and lastly, that the knowledge of the publicity given to the existence of the evils, must in the nature of things quicken the activity both of the Supreme and the Legislative Councils of India, to devise and to push forward measures of fundamental reform, so that we should have no more such answers as Mr. Dorin's to the petitions of missionaries; and, on the other hand, that we should cease to have obstructions put in the way of such measures as the one

\* See Appendix.



lately introduced into the Legislative Council, by Mr. Grant, on the sale of land for arrears, as I understand from a letter I received from Calcutta, only last week, is now the case. And (to refer to another most important subject), we should perhaps cease to hear of such a fact as this, that when the Indian authorities were themselves desirous of putting down the cruel swinging festivals in Bengal, as *has been done* in Madras and Bombay, they were prevented doing so by a despatch from the Court of Directors at home. Nothing, I think, can give a better illustration of the importance of such a public and special inquiry, than what has just occurred with reference to the pauper lunatics in Scotland.

Mr. Grant's Bill.

Swinging Festivals.

Sir,—I say that this House is responsible in this matter, and we have a right to know whose statement is correct,—the Missionaries, who say that there is wide-spread disaffection as the consequence of misrule; or the Government authorities, who deny the statement. There is a higher power than all the authorities in India, and than the Court of Directors at home, and that is the Ministers of the Crown, and those Ministers are responsible Ministers. And if we would hold up our heads among the nations as the defenders of right and justice, we must see that our own rule in India is just and pure. What avails our representations to Turkey, our indignation at the corrupt officials there, for not carrying out the more enlightened views of the Sultan, if we allow the native officials in India to take bribes, to oppress, to defraud, and for the sake of a miserable economy, give such a small staff of efficient magistrates that they cannot, if they would, control their subordinates? Let us wipe our own hands of guilt. I said, Sir, miserable economy. And why did I say so? Why, but because I believe that one great cause of misgovernment in India is, that for a long time it was governed not so much for the good of the people, as to enrich ourselves. And even now, Mr. Grant and Mr. Halliday agree that the reform of the police is a mere question of money.

Ministers of Crown responsible.

I feel confident that my Right Honourable friend, the President of the Board of Control, desires to do justice to the people of India, and I cannot doubt that the noble lord at the head of the Government, would be more than willing to promote the welfare of all the subjects of the British Crown, whether black or white; and what can I wish better for him, than that he who has been the tried friend of the African black, the supporter all over the world of liberty and humanity, against oppression and misrule; who stopped diplomatic intercourse with a European ruler, because he used his authority to oppress his subjects; that he should be known also as the maintainer of the rights of the millions of Hindustan? If my Right Honourable friend answers in reply to what I have said, that measures of reform are in progress, then I claim his support for my second Resolution, which requests that a statement of those measures may be sent home, and laid on the table of the House.

And if any one demurs to the truth of my statements, I can only see in this a fresh reason for inquiry, as we cannot both be right. If I am right, then I have asked the very least that can be asked. I have purposely abstained from asking for a Royal Commission to be sent

out from England, lest it should weaken the hands of the Indian authorities in the eyes of the natives, who do not understand constitutional Government; but I cannot believe, that any evils that could result from an inquiry instituted by the Indian Government, for the sake of giving us the information we want, would at all counterbalance the advantages that would result from it. During the siege of Sebastopol, who were right in their statements of wants and necessities, the private or the public authorities?

Sir, I consider that the present Government of India is on its trial. Four years have passed away since it assumed its present form, and nothing to alleviate these evils has been done for Bengal, whatever has been talked about.

The North-West Provinces may be enjoying a good system of government. The Punjab, thanks to that distinguished nobleman who so ably presided for many years over the Government of India, may be under a still more perfect system, but what is this to the 35 millions of Bengal? Sir, it is for them I plead. I fully recognise the importance of many things that have been done, such as abolishing the Government connection with idolatry, destroying sutteism, infanticide, thuggism, human sacrifices; introducing a system of education for the people; and more recently the legal recognition of the marriage of widows; but again I say, this does not alter the fact of the miserable social condition of the inhabitants of Bengal.

I have not consciously overstated one fact, and I surely shall not appeal in vain to those who acknowledge the supreme authority of Him who says "Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift. That which is altogether just shall thou follow."

I beg to move—

*1st Resolution.*—"That, from representations made to this House, there is reason to believe that the present administration of the Lower Provinces of Bengal does not secure to the population the advantages of good government, but that the mass of the people suffer grievous oppression from the police, and the want of proper administration of justice."

*2nd Resolution.*—"That, in the opinion of this House, it is desirable that Her Majesty's Government should take immediate steps with a view to the institution of special inquiries into the social condition of the people; and to ascertain what measures have been adopted in consequence of the oppression under which a large proportion of the inhabitants of the Lower Provinces are now said to be suffering, more especially with reference to the system of landed tenures, the state of the police, and the administration of justice; and also that such report be laid upon the table of the House."

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[*Note.*—Since this Pamphlet was in the press, I regret that the sad tidings from India too truly confirm the Missionaries' statement of the existence of disaffection. And, in a private letter just received from Calcutta, these observations occur:—"In the Minutes published on Sir E. Perry's motion, on the Missionaries' Memorial for Inquiry, you will have noticed the confidence with which the warnings about disaffection were disregarded as altogether needless and groundless. This present event may show who is most likely to be right. All was said to be peace in Affghanistan till the rising in Cabul."]



## A P P E N D I X.

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It is supposed by some that the existence of Mr. Halliday's Minute of April 1856 is a proof that the Government authorities are sufficiently alive to the miserable condition of Bengal. And it was even said, as a reply to my speech, that I relied on public testimony for my facts; whereas I only relied upon it as a confirmation of private testimony. And even with respect to the Minute of Mr. Halliday, the House of Commons is indebted to me for their knowledge of it; as, though extracts from it were moved for by Sir Erskine Perry, they were not given, on the ground that it had not reached the India House or the Board of Control. A comparison, however, of that Minute with a later Minute in answer to the Memorial of the Missionaries, which has been laid on the table of the House, and which was dated September 1856, seems to give some clue both to the neglect of Mr. Halliday's suppressed Minute, and to the unaccountable slowness of the authorities in India in providing remedies for known evils. Such delay appears to me the more inexcusable, as Mr. Halliday has himself, in the Minute of April 1856, not only pointed out the evils of the police and judicial systems, but suggested the remedies.

Let it be borne in mind that Mr. Halliday is not the Government, Mr. Halliday. but the servant of the Government; and till he can persuade the Government to move, his hands are tied. But as his Minute was publicly recognised in the late debate as an authority, its existence when it shall be laid before us, substantially obtains what I sought in my late motion for inquiry, as far as the police and judicial systems are concerned. For, 1st. It brings the facts before the eye of the public. 2ndly. It stamps those facts as authentic, with the seal of Government authority. And, 3rdly, In conjunction with the late debate, which has given it publicity, it is calculated to urge on the Government to measures of reform. In this point of view I have gained the object of my motion, though the House declined to give a decided opinion upon the subject of it. All that is needed now is an equally lucid report on the Zemindaree system, and I have little doubt that the Lieutenant-Governor would have most valuable suggestions to make upon it if he had any hope of getting them carried out or seriously entertained, and that it could be vastly ameliorated; and that some measures, such as the redemption of the land tax, could be devised to improve the country without breaking faith as to the Permanent Settlement. But I much fear that the real difficulties will be found in the Supreme Council of India. Mr. Halliday was appointed Lieutenant-Governor of Bengal in 1854, and we find in the note of his secretary, Mr. Grey, dated April 1856, appended to his first Minute, that he called the attention of the Supreme Government, as early as October 1854, to a proposed measure of police reform suggested by Lord Dalhousie; but his proposal was objected to and refused: and when again he mooted the question in February 1855, apparently no answer was even returned to him. In September 1855, he again brought forward the subject, and again received no reply! A fourth proposal on the same subject was accepted, probably because

it was recommended *as a measure of economy*.\* To say the least, this neglect on the part of the Supreme Council of the Lieutenant-Governor's suggestions, even when backed by Lord Dalhousie's opinion, does not seem very propitious for reforms, particularly those involving increased expenditure. We now come to April 1856, when that most extraordinary Minute of Mr. Halliday's, describing in fact the condition of Bengal when he assumed the Government, was sent in to the Supreme Council. One should at least have supposed that such a document, coming from such an authority, and on such a subject, would have commanded immediate attention. But what do we find? That up to the time of the debate in the House of Commons, the Supreme Council had not even thought it worth while to send it home to the Court of Directors. The present Governor-General, Lord Canning, having only reached India a few weeks before this Minute was sent in to the Council, was perhaps scarcely aware how important a document had been placed on the shelf of the council chamber. I say emphatically placed on the shelf, for how otherwise is it possible to account for the letter of Mr. Dorin, sent home to the Court of Directors? and even for some of Mr. Grant's opinions on the subject of the Missionaries' Memorial?

Missionaries'  
Memorial.

I now come to the consideration of the circumstances of this Memorial. It was presented to Mr. Halliday in September 1856, and it asked for inquiry into the whole social condition of Bengal. Had the Memorialists taken Mr. Halliday's own Minute, they would have found in it alone, I think, a justification of the strongest assertions in their Memorial. Why Mr. Halliday so strongly objected to it, and thought

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\* *Extract from Note by MR. SECRETARY GREY.*

"After being talked about for some years, the proposition to re-unite the offices of Magistrate and Collector was at length formally made by Lord Dalhousie in April 1854. The proposition was submitted to the Government of India, and no notice of it being taken for some months, the Lieutenant-Governor, in October of the same year, called the attention of the Supreme Government to the subject, and solicited permission to take advantage of then expected vacancies to re-unite the office of Magistrate and Collector in some four or five Districts which were named.

"This request was, however, refused in January 1855, and a Minute of the Honourable Mr. Grant's was sent for the Lieutenant-Governor's perusal, in which Lord Dalhousie's proposition was strongly objected to. The Lieutenant-Governor communicated his views upon the question to the Supreme Government in February 1855, and since that date nothing more has been heard on the matter from the Supreme Government.

"The subject has, however, intermediately been twice brought incidentally to the notice of the Supreme Government. In September last the Lieutenant-Governor, in applying for an increase to the Uncovenanted Executive Service, took occasion to observe that such assistance, though greatly needed, would not cure one great evil of the present condition of the service, namely, the evil of advancing very young officers to appointments of responsibility and importance.

"This evil, it was remarked, could only be cured by one of three measures, one of which was the re-uniting of the offices of Magistrate and Collector.

"No reply to this communication has been received.

"The second occasion on which the subject of placing the Chief Magisterial and Chief Revenue control in a District in the same hands, was brought under the notice of the Supreme Government, was in the instance of the districts of Bhaugulpore and Beerbhoom, when a portion of the Magisterial jurisdiction of each of those districts was taken, after the Sontal insurrection, to form a Non-Regulation Province. It was then recommended by the Lieutenant-Governor, *as a measure of economy*, that the separate magistracies of Bhaugulpore and Beerbhoom should be abolished, and that the Collectors of those districts should be made also Magistrates; to this proposition the Supreme Government at once assented.

"With the above exception, the Magistrate-Collector question has not apparently advanced since Lord Dalhousie made his proposition two years ago.

"My object in bringing the subject now briefly to the notice of the Lieutenant-Governor, is to beg his attention to a Comparative Statement which I have prepared, showing the standing of the Magistrates in Bengal, that is to say of the officers actually officiating as such at three different periods, namely in April 1850, April 1854, (the date of Lord Dalhousie's proposition,) and April 1856.

"This statement will be found, I think, to show an urgent need of *some means* being adopted to procure greater experience in the Magistrate's office than is now obtained."

20th April, 1856.

(Signed) W. GREY,  
Secretary to the Govt. of Bengal.



the evils exaggerated, I cannot say, unless he felt aggrieved at the slowness of the Council in commencing reforms, and wished to insinuate that he had inquired enough. One passage in his second Minute gives countenance to this idea, where he says—

“The time present is, as regards those things, not the time for investigation but for action, and anything that is likely to delay action on those points will impede the very consummation which the Memorialists so greatly desire. Nothing would so surely, or so long, delay the completion of the necessary improvements in the police and in the judicial system, as a commission for a new inquiry into those subjects, and, *on that ground alone, further inquiry is to be deprecated.*”

The Governor-General not having had experience, as he said, could only generally declare his agreement with Mr. Halliday, and his respect for the missionaries themselves. Of course he must have relied very much on the opinions of the civil members of his Council, Mr. Dorin and Mr. Grant, in refusing the missionaries' petition for inquiry. It seems, therefore, of the highest importance to ascertain what hope we may entertain for Bengal from their recorded opinions.

Mr. Dorin thus writes on the 10th of October—

“I agree entirely in the view taken of this Memorial by the Honourable the Mr. Dorin. Lieutenant-Governor of Bengal.

“There can be little question of the unsatisfactory condition of the rural population of the districts of Bengal Proper; *but whether this state of things arises from defects which the Government can remedy, or is engendered by physical causes over which the Government can exercise no control, may be open to very grave doubt.*

“In respect to such sources of social disorder as would admit of action being taken on them, I believe the Government are in possession of sufficient information to enable them to proceed with *reasonable promptitude and decision*; upon other heads of inquiry suggested by the reverend missionaries, no information, however extensive, would justify the Government in taking any action whatever.

“The jarring of class interests will assuredly not assist the progress of social organisation, nor am I altogether sanguine that the amendment of the law, or the improvement of the police, or the still more potent engine of the spread of education, will very materially eradicate the evils of which the Memorialists complained.

“I believe those evils to arise in a great degree from *the physical structure of the people, and that nature and climate* have at least as much to do with them as any defect in the civil administration of the country.

“The civil and criminal law is essentially the same *in the North-Western Provinces as in Bengal, and the state of the police is little better in the Upper Provinces than in the Lower*; so that, if the faultiness of the law, or of the police, were the cause of the social evils experienced by one portion of the population, they might be regarded as producing similar results on the other. No one avers that this is the case, or that the condition of the peasantry of the north-western provinces is so debased as that of Bengal.

“And, for one reason, why? because they are men. They are a fine manly race, replete with physical courage, who will not submit to be pillaged by every privileged, or unprivileged, plunderer; men who will stand up for their own rights, and defend their property as soon as they have acquired it. But will a Bengalee do this? Will he lift a finger in defence of either life or property, or is there a particle of physical or moral courage in his composition? I cannot say that I have ever heard of it.

“I believe there is not a more timid human being than a Bengalee on the face of the earth, and we have had only too palpable proof of it on recent occasions.”

I suppose Mr. Dorin would admit that the Dacoits, themselves Bengalees, will occasionally lift up a finger. But I have a more serious objection to make to this extract; to say the least it argues the most extraordinary ignorance in a member of the Supreme Council. Mr.

Halliday had in April asserted two things with respect to the police; first, that the expenditure of £100,000 a-year more on the magistracy and police of Bengal, was a necessary measure of reform; and secondly, that nearly that amount is spent annually in the North-West Provinces more than is spent in the Lower.\* In other words, the police of the north-west provinces are well paid, while the police of the lower provinces are ill paid, or not paid at all; and yet Mr. Dorin argues that the social evils of Bengal cannot be attributed to the faultiness of the police, otherwise the same evils would exist in the north-west provinces.

Mr. Dorin further says—

Mr. Dorin.

“What can be done for such a people as these, who will do nothing for themselves? What Government interference can supply that foundation of moral improvement, that self-reliance which nature itself seems to have denied? It is almost a law of nature that cowards should be either slaves or tyrants, and I fear this describes but too truly the general condition of the population of this fertile province. It may be that the zemindaree system has failed in practice; yet it was not necessarily a bad system, nor was it founded on unstatesmanlike principles. Its object was to create a substantial intermediate interest in the community, a landed aristocracy, from which the genial flow of social influences might reasonably have been expected; and, if it has failed in producing this effect, the fault is more with the unsuitable materials on which it operated, than in the principle of the measure itself. English and Bengalee nature are not alike, and it has not followed that the theory of a system which might be abundantly adapted to the constitution of England was equally applicable to the atmosphere of Bengal. The Memorialists should not blame the system so much as the people; and, in like manner, where they descant, as they do most justly, on the iniquities of the police, they should remember the police of England is not perfect, and that if the police are expected to protect the people, it is at least equally required that the people shall help the police; and, what is more to the purpose, that the people shall to a very great extent, have reasonable reliance on themselves.

“The crime of dacoity is frightfully prevalent, yet is it possible to suppose it could be so extensive if the people could be persuaded to do anything in their own defence? Dacoits are as little disposed to face danger needlessly as any other class of the community, and vigorous resistance would soon extirpate the system; but where is this found? The very timidity of the people is an inducement to the crime, and yet it cannot be expected that there should be a policeman in every man's house. The extortion of the police is notorious; yet, if men will submit to extortion in silence, how is the remedy to be provided? The omlah of the courts of law are accused of being corrupt; yet, if suitors will favour the corruption, how is justice to be pure? No doubt the police is capable of vast improvement, and a Sikh police has recently been organised for the Sonthal pergunnahs, in despair of finding a Bengalee policeman who was fit to be trusted; yet, unless the people are prepared to make some exertion for themselves, I do not see how a well-ordered police, or an amended code and administration of the law, can effect very much in diminution of social evils.”

Mr. Halliday.

Yet Mr. Halliday had told the Supreme Council in his Minute, that the village police are all thieves and robbers, or all leagued with them; that it was popularly said that dacoity is bad enough, but the subsequent police inquiry very much worse;† and that *the omlah are for the most part paid at a rate that almost necessitates corruption*.—Minute, Sect. 84. And who are the suitors that favour the corruption? Why, the zemindars who oppress the rāyats.

Mr. Dorin's opinion seems to be, that the more a people need the protection of Government, the less they ought to expect to find it; and

\* See p. 21.

† See pp. 16-18.



it never seems to have crossed his mind that the institutions under which the Bengalees live, may have helped to form their nature. On one point, I do most sincerely agree with Mr. Dorin, namely, that English and Bengalee natures are not alike. Were we subjected to such a state of administration as Mr. Halliday describes for six months, I think there would be a rising from the Cheviot Hills to the Land's End. As it is, I believe that there is an insurrection in one part of Bengal or another, annually; but it is treated as a savage demonstration, and put down by force. Mr. Dorin adds—

“I do not say all this in order to argue that any amelioration of the social evils which beset the population of Bengal is impossible, but to show that, in my opinion, there are natural and physical difficulties in the way of improvement, the remedy also of which is beyond the reach of any Government, or of any inquiry that could be pushed to the fullest extent desired by the most enthusiastic philanthropist.”

I certainly cannot be surprised at the regret expressed by Lord John Russell in the course of the debate, that Mr. Dorin should be in the Supreme Council at all.

If we turn to Mr. Grant's Minute, we have the satisfaction of finding this important admission—

“The Memorial of the Missionaries, transcribing and adopting a previous petition to Parliament, mentions the following as evils existing in Bengal, ‘which it falls properly within the scope of Government to meet and control,’ and which they say ‘appear to be on the increase :’— Mr. Grant.

“(1) Insecurity of life and property in many districts.

“(2) Numerous gang robberies perpetrated annually with impunity.

“(3) Constant scenes of violence, in contentions respecting disputed boundaries between the owners of landed estates.

“The Memorialists maintain that the radical cause of these evils is the inefficiency of the police and of the judicial system; that a well-organised police, with a more extensive and more effective judicial system (besides giving the required security to life and property), would do much to check the outrages that arise out of disputes about land; and, moreover, that in order to a cure of this last evil, the cause which leads to disputes about land, namely, the insecurity of title and possession, must be removed by, first, the complete survey of the land; secondly, a system of registration; and thirdly, ‘laws to obviate the infinite mischief of the universal system of secret trusts.’

“Upon this important head, I beg to record my complete concurrence with the Memorialists, both as to the existence and extent of the evils, and the nature of the remedies.

“For many years past I have never lost an opportunity of pressing upon the highest authorities the injustice with which Bengal is treated in regard to the expenditure allowed to her for police. This is no question of system; it is purely a money question. Without a very large additional expenditure, nothing can be done; with twelve or fifteen lacs a year to give, the money could hardly be mispent. We have reason to believe that the days of this crying evil are numbered.”

We may notice here how entirely Mr. Grant agrees with Mr. Halliday in thinking that the Bengal police are inadequately paid, differing therefore from Mr. Dorin. But while this whole statement is encouraging, we have, on the opposite side, to place the following remarks, nearly at the commencement of his Minute, in explanation of his opposing the Memorial for inquiry.

“All that remains in the Memorial of substantially disputable matter, are the assertion that bitter hatred of their rulers is now in course of being engendered in the minds of the Bengal ryots; and the severe and unqualified charges made by the Memorialists, as a class, against the class of zemindars universally. Mr. Grant.

"I do not suppose that many besides the Memorialists share in their belief upon the first point; and if the fact were as they believe, such a commission to prove it, as they propose, would be too dangerous an experiment to try.

"I do not mean to make light of this belief: I could make light of no belief entertained in a quarter entitled to so much respect on a question of so much importance. I am sure that this assertion would not have been thus formally made on what were not thought strong grounds. But there is a great inconsistency, to my understanding, between this assertion and other assertions made with equal confidence in the same Memorial. The alleged feeling is imputed to the extreme and peculiar social evils to which the ryot of Bengal is said to be subject; and all the evils of which the ryot can be conscious are traced by the Memorialists, if I understand them, to extortions, and tyranny, and general misconduct of the zemindars, and to the immediate consequences of the zemindaree system, inadequately checked as it is by the police and judicial system provided by the rulers. Now our police is, I dare say, not very much better than it was, but there is no reason to imagine that it is worse. The increase in the pay of police darogahs has done undeniable good, to a certain extent. In other respects our judicial system is vastly better than it was; and the improvement has been all in the direction of the ryot, by bringing justice (though still much too far from him) much nearer to him than it was. Of late years magisterial officers have been largely increased in number, and more dispersed over the country than formerly. Moonsiff's courts, the courts of the ryot, as effective courts of civil justice, may be said to be the creation of the last 30 years; and their improvement in quality, year by year, is unquestioned. Of late, then, the checks provided by the rulers have been vastly improved upon the whole, and, so far as the rulers are concerned, in appearance, as well as in reality, there has been in this generation much to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot. The zemindars, therefore, and the zemindaree system, according to the Memorialists, are the cause of all. To them, the Memorialists allege, are due the alleged social evils, which evils are alleged to be now engendering bitter hatred of their rulers in the breasts of the Bengal ryots of the present day. Now this string of allegations would all be consistent enough, if the zemindaree system were a novelty. But how stands the fact? Be that system good or bad, it is no novelty; it is not even a creation of the British Government. We found the system, and the zemindars themselves in full force. We have left the zemindars but the shadow of the power they then had; in many respects we have left them not even the shadow of it. For such power as is left them, I can think of no personal interest they can have had then in using it well, that they have not in an equal or greater degree now; and certainly they have more to fear in using it ill now than they had then. How is it, then, that if social evils really exist to such an extreme degree as to embitter the ryot's spirit, and if zemindars and the zemindaree system are the immediate causes of those evils, this bitterness is only now beginning to be engendered, a generation or two after the assumed enemy has been, to say the least, partially bound down? Why did it not begin to arise in the ryot's breast whilst the zemindar, with no better disposition and many fewer responsibilities, had 20 times his present power for evil?

"As, in my judgment, all these suppositions, namely, the extreme degree of the evils, their cause and their effect, cannot be true, and one is no more credible than the other, I can see no reason for adopting any. To me they have all much more the appearance of having been entertained as consequences of different theories, than as the results of wary and unprejudiced observation."

It is remarkable that Mr. Halliday, in his Minute, distinctly states that for twenty years past the police *have* deteriorated, and that the magistracy is losing credit and character, and the administration growing perceptibly weaker;\* and in one passage, in the 43rd section of his Minute, he uses these words—

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\* See pp. 16, 19.



“The youth and inexperience of the covenanted magistrates has been a matter of reproach to the service for many years, but it has very much increased of late, owing to the growing disproportion of men to offices. It has, in a manner painfully perceptible to me in my visits to the different districts, impaired the force, dignity, and efficiency of our administration in the interior; and in all cases in which the youth and inexperience of the officer is not, as it sometimes is, counterbalanced by unusual ability and force of character, it has brought the all-important authority of the Zillah magistracy into marked slight and disregard, and sometimes into actual contempt. It is certain still more to increase under the present system . . . . From 1793 to 1830 . . . . the magistrate was the officer most experienced and highest in rank in the district; and he was therefore looked up to with a degree of respect, the recollection of which to those who, like myself, have known ‘the Mofussil’ (country) in those old days, suggests a painful contrast with the uninfluential and comparatively insignificant position of the juvenile functionaries, many of whom I have found ineffectually presiding over the Zillah magistracies in my recent tours.”

Mr. Halliday.

We find then that Mr. Grant and Mr. Halliday are at variance in their opinions; and as the former has, I understand, been very little in the Mofussil at all, I must believe that Mr. Halliday’s opinion is the correct one, and regret that Mr. Grant so differs with him: and herein may be seen perhaps one of the causes in operation to retard reforms. Then again, we did not find the *present* zemindaree system in operation. Those two regulations also, the 7th and the 5th, which are the terror of the ryots, were passed in 1799 and 1812, under our administration.

With regard to Mr. Peacock, the legislative member of the Council, we can get no light from him on the question at all.

I now turn therefore to the answer from the Court of Directors, in approval of the refusal of a commission of inquiry; and in that answer I see that the Court agree with Mr. Dorin and Mr. Grant in some of the statements I have adverted to. The Directors thus write—

“It needs no commission of inquiry to inform us that the peasantry of Bengal are subjected, by their landlords, to arbitrary and illegal demands, on religious and other occasions, beyond, and independent of, the sums which they pay as rent. The demand and payment are made in a way which does not admit of the interference of the police; but the courts of justice would deal with all such levies of money as extortionate exactions. To the courts, however, the people do not appeal for protection in such cases. They submit to the demands, either because they consider them as having the sanction of prescription, or because, *as shown by Mr. Dorin, they are too timid to resist payment. The Memorialists seem not to be aware of the difficulty of forcing protection upon a people beyond the point at which they are prepared to accept it, and to lend their own aid in securing it.*

Court of Directors.

“We observe with great satisfaction that the Lieutenant-Governor expresses his ‘absolute dissent from the statement made, doubtless in perfect good faith, that the people exhibit a spirit of sullen discontent, on account of the miseries ascribed to them: and that there exists among them that bitter hatred to the Government which has filled the Memorialists, as they declare, with alarm as well as sorrow.’ Much, as already shown, has been done to remedy the evils to which the Memorialists advert, and to inspire confidence in the Government. ‘Much,’ as observed by Mr. Grant, ‘to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot.’”

In other words, the Court of Directors are astonished that defenceless sheep will not accept the protection of the savage wolf.

It seems perfectly clear that the Directors had not seen Mr. Halliday’s Minute, or that if they had seen it, they had not attended to it, and that I was not very far wrong when I asked, Do the Court of Directors know the evils?

Only one other point I need advert to in the answer from the Court, where they say—

Court of  
Directors.

“Measures for the reform of the police are now under the consideration of the Government; codes of procedure, to simplify and facilitate the administration of justice, both civil and criminal, are before the Legislative Council; measures specially directed to the suppression of gang robbery have, for some time, been in active operation in those districts of Bengal in which that crime has most extensively prevailed. Of the endeavours of the Government, and its officers, in this direction, the Memorialists can scarcely be altogether ignorant. Immediately in connexion with the statement, that the evils to which they advert appear to be on the increase, they allege, ‘that gang robberies of the most daring character are perpetrated annually, in great numbers, with impunity.’ The contrary of this is the fact; for, instead of increasing, the number of gang robberies had decreased, in the districts referred to, from 439 in 1851, to 168 in 1854 (the reports for which year are the last we have received in detail), and the decrease was still progressing; the most formidable gang of dacoits had been broken up, and upwards of 200 of their members had been convicted, of whom 180 had been transported for life.”

Mr. Halliday.

That this is no answer whatever to the Memorialists is clear from Mr. Halliday's own statement on this very point. Mr. Halliday says, quoting from the Minute of Mr. Bethune, of the 27th May, 1851, that the complaints recently made of outrageous dacoities, and acts of violence, point rather to a *deterioration* than to an improvement of the practical working of the system of police thirteen years previously, when one-fourth more in proportion to their number were convicted in the Lower Provinces for murder, thuggee, burglary, robbery, and theft, than the rest of the population, for all offences of every kind. Mr. Halliday says further in his first Minute, that in the seven districts, *about Government House*, dacoities had increased from 82 in 1841, to 524 in 1851! And then he adds, “It is true that under a *special agency*, this has since been reduced to 111 in 1855. *But the operations of this agency have shown more than anything else the utter inability of our ordinary institutions to cope with the enormous social evil that is ever rising up in defiance before it.*” So that the answer to the Memorialists is entirely beside the mark, and if Mr. Halliday is to be believed, the Memorialists on this point are right, and the Court of Directors wrong. Mr. Grant also, as we have seen, agrees with the Memorialists here.

The conclusion I draw from the whole is, that unless the action of Parliament, as the exponent of public opinion in England, is brought to bear on the Government of India, these social wrongs will be denied or softened down, and remedies delayed as they have hitherto been. For all the evidence I have brought, is evidence drawn from a period later than the last Charter in 1853.

I sincerely rejoice that the President of the Board of Control is responsible to the Parliament of England for the good government of India. In the late debate, he expressed surprise that I had done an injustice to the Directors, in not referring to their despatch of 24th September, 1856, recognising the evils of which I complained. Now, in the first place, though the paper containing that despatch is headed “Police System, Bengal,” it appears to me only to refer to Bengal in common with the rest of India, and not as requiring any special attention; and secondly, it is certainly extraordinary that in resisting my motion for *inquiry*, and falling back upon Mr. Halliday's



opinion expressed one week before this very despatch was written, namely, September 18, that the time for action was come, the despatch should conclude thus, "We have thrown out the foregoing remarks, *merely as suggestions*, upon a subject to which we attach very great importance; and we desire that you will take the subject into your early consideration, and *after communication with the other* Presidencies, *report fully to us your sentiments* as to the expediency of the general reorganisation of the police throughout India, upon some such system as that which obtains with respect to the police in the Punjaub, and as to the mode and cost of the proposed reform." So that from this despatch, to which Mr. Vernon Smith referred me, and for which I had moved myself, I gather that in September the Court of Directors did not agree with Mr. Halliday that the time for action was come. The only difference between the Court in September and myself in June is, that I asked that the result of the Bengal inquiry should be laid on the table of the House of Commons; and this is a most important difference, I admit.

Indeed this is *the* point of my motion, as I fully believe that reams of paper have been covered with suggestions. Indeed, the Lieutenant-Governor seems weary of fruitless schemes, and Mr. Grant the same. But why have they been fruitless? Because all has been private. And because it is very difficult to fasten responsibility where there are three governing powers. My object has been to bring all into the light of day as the means of producing action, and public inquiry seemed the only mode likely to be successful in attaining this object.

I wish to add a few words with respect to the Missionaries themselves. Had the evils they deplored not been exactly those which they would discover in the course of their labours, there might be ground for the assertion that they have been stepping out of their province. But even with respect to the question of the landed tenure, which is the most political question they have touched, I have shewn in this pamphlet, that it most seriously affects the state of Christian rāyats under heathen zemindars, and also the success of Christian missions; as in the case where the zemindars proposed to make a condition of their lease that the rāyats should not turn Christians, and this in a country where not to get land is to starve.

I have always considered as one of the first rights of Englishmen, the right to petition Parliament; and yet in the late debate, the exercise of that birthright of Englishmen was ridiculed by a so-called Liberal Member of the House of Commons, the honourable Member for the Tower Hamlets. I say much more than that the Missionaries had a right to petition,—I maintain that they would have been chargeable with a neglect of duty, had they, knowing such terrible evils to exist, held their peace. It has been said that the early Apostles did not do so. But were the Apostles responsible for the crimes committed by the Roman government? The Missionaries share in the responsibility attaching to every Englishman of bringing his influence to bear on the Government in correcting abuses. The Missionaries belong to the governing class in India, which are the English. Some of them would adorn our House of Commons, and might perchance have sat in it had they not given themselves to their noble work. Dr. Duff probably knows more of India than any Member of that House. What would such an objector say, if in the remoter districts of England the police were to commit murder and to shelter murderers, to rob, to be worse than the rest of the population, and some of the more powerful inhabitants were

to seize the houses and the property of their defenceless neighbours, as was done in Baropakhya, and to be protected by a Magistrate in so doing? What would he say if the Clergy of the district were to hold their tongue because the Apostles contented themselves with preaching the Gospel, without abusing the Roman Government? Whatever might be said by this objector, I believe the country would execrate such Ministers.

But what is more extraordinary still, it seemed almost to be believed that I had stepped out of my line of duty; and that because I had presented the Missionaries' petition, it would have been an improper interference with the Government of India had I carried a motion founded on that petition. May not any Member make any motion he pleases? Is it not the duty of the House of Commons to interfere with Governments?

And is it not a new doctrine that a commission of inquiry supersedes the authorities? Did it do so in Ceylon? or in Ireland? or in Canada? or in the late war? Such an argument indicates the weakness of the cause to be defended.

I was also called the mouthpiece of the Missionaries; I have no objection to that appellation, only I was not their mouthpiece. My motion was a thoroughly independent one. I did not even rely on the Missionaries' assertions (however true) for my evidence. My Right Honourable friend, the President of the Board of Control, noted this in the debate, as if I ought to have done so. Why it would have been suicidal to do so. The question I wished the House to decide upon, was, whether the Missionaries were right in their assertions; and I think I have proved that they were in all essential points right. If I succeed in fixing the attention of thoughtful men in England and Scotland on the social condition of India, and in arousing the House of Commons in any degree from their past indifference to that country, I believe that the Government will take up the subject in earnest; and though it may be very difficult to make the various governing bodies in India and at home agree as to the measures they shall adopt, yet I believe that they will be forced into agreement, and that Bengal itself, after a century of misrule, will have cause, abundant cause, to rejoice at having been brought under the sway of the British Crown.

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## NOTE TO THE SECOND EDITION.

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Since the First Edition of this Speech was printed, I have received letters from Calcutta, confirmatory of its statements, and append extracts from two of them, alluding to the debate.

CALCUTTA, 6th August, 1857.

" . . . I have purposely abstained from writing, so as not to add to your burdens. . . . I have read the whole debate as reported in the *Times*; and your speech also as given in the *Perth Courier*. And I am amazed at the accuracy of all your statements and views; as well as the views expressed by Mr. Dunlop. . . . You will have your reward; the poor and the oppressed are God's peculiar care, and blessed are they who in right earnest remember them.

"The whole debate I purpose reprinting here, with some notes . . . . You obtained all which, in the circumstances, could have been looked for. We know the difficulties in the way; and if we saw men earnestly seeking to overcome them we would have been silent. But when we saw the difficulties made eternally an excuse for doing little or nothing; or something which was a sham and pretext, we felt we could not remain silent any longer. But all thoughts of local and other improvements are now swallowed up by the terrible rebellion. . . . It is a long concocted Mahommedan conspiracy now come to a head. The main object is the destruction of British power and the reascendancy of the Mahommedan. Even the cartridge affair was only a casual incident, of which the conspirators adroitly took advantage. Doubtless there were antecedent causes of discontent among the Sepoys; and these ought to have been searched out and remedied as far as possible. . . . Still, such antecedent causes of discontent never, never would have led to so deplorable a rebellion, had not designing political intriguers skilfully seized on them for working out their own sinister designs.

"Had not the Sepoys been kept in such a state of brutish ignorance, they never could have become such dupes of evil-minded men. Had they been allowed to learn something of the nature and extent of the British dominion and power; had they been allowed to learn at least what Christianity is, they never could be made to believe that greasy cartridges could make them Christians. But the fact is that the blinded policy of our Government in keeping Christianity in the background, filled the native mind with suspicions of some evil designs lurking behind, which, some day, were to be developed.

"Honesty is the best policy here as in every other department. Had our Government all along acknowledged the fact that they were Christian; that Christianity was the religion of Europe and the whole civilized world; and that it was the main source of such civilization;—still, that, as regarded the natives, they must be left to follow the dictates of their own conscience before God;—had this, or something like this, been openly avowed, all the natives would understand and appreciate it.

"Surely the time is come for having done with all this crooked policy. It is a time for deep humiliation before God;—Oh! that British Christians would arise, and in the spirit of the Saviour, saying, 'Father, forgive them, they know not what they do,' would overcome evil with good, by proclaiming to them the Gospel of salvation."

Yours very sincerely,

ALEXANDER DUFF.

DEAR SIR,

BHOWANIPORE, CALCUTTA, August 8, 1857.

I have been requested by the Calcutta Missionary Conference, at their meeting on Tuesday last, the 4th inst., to present to you their best thanks for the hearty interest you have so kindly taken in their recent petition to the House of Commons, and for the earnest efforts you have made by your resolutions to second their endeavours to obtain justice for the great Province of Bengal. We have all read with very great interest the discussion which you so ably opened in the House on the 10th of June, and are glad to find that so much was acknowledged on the part of our opponents, as to the substantial truth of our case. We trust you will not be discouraged by the result from still lifting up your voice on behalf of India, but will rather regard with satisfaction the fact that you have been able to lead off one of the *first* debates that has ever taken place on an Indian question of vital moment, brought up by independent parties. . . . May I request you kindly to convey also to Mr. Dunlop the best thanks of the Conference for the aid he rendered you.

You are doubtless aware that Mr. V. Smith, in stating that the views of the Indian Government on our memorial to Mr. Halliday, had been communicated to us, made a great mistake. We were simply told that the request was refused, but not a word was said as to the reasons or arguments on which the refusal was based. We learned all for the first time from the *Parliamentary Returns*: which brought us first the Government Minutes, and then the despatch of the Court on the same subject.

Mr. Mangles, in his speech, endeavoured to show that Missionaries could not be regarded as the mouthpiece of natives on questions of public grievance, *because* they speak and act strongly against all the forms of the prevailing idolatry. Quite apart from the testimony to the contrary given in the Memorial of the British India Association, (which by the way is quite different from the Indigo Planters' Association, with which Mr. Smith confounded it,) an association composed entirely of Hindu natives;—apart from this, the daily paper of this morning (August 8th) contains the report of a meeting of that association in which the members, all Hindus, set to work most elaborately to prove *how wrong* Lord Ellenborough is in his attack on Lord Canning's subscriptions, and how high is the esteem in which they hold the benevolence, the purity, the zeal of Missionaries, though they differ from their views of the Hindu religion. . . .

Yours, very sincerely,

JOSEPH MULLENS,

*Sec. Calc. Miss. Conf.*

The great object of the British Indian Association is the prosecution of social and political reforms. At a general meeting of the Association, held on Saturday, the 25th of July last, in Calcutta, the following were the remarks made by native gentlemen referred to by Mr. Mullens:—

“ Baboo DUCKINARUNJUN MOOKERJEE, adverting to the debate in the House of Lords on the 9th June last, drew the attention of the meeting to the misconceptions which seemed to prevail on the subject of the sepoy mutinies in that august assembly. He said, Lord Ellenborough on the 9th of June last was, in the House of Lords, pleased to observe that the recent mutinies here are attributable to an apprehension on the part of the natives that the Government would interfere with their religion; that the fact of Lord Canning's rendering pecuniary aid to societies which have for their object the conversion of the natives, operates detrimentally to the security of the British Indian Government, which must be maintained on the principles of Ackbar, but could never be maintained on those of Aurungzebe; and if it be a fact that the Governor-General has subscribed to such societies, his removal from office would obviate the danger arising from the error. If the premises laid down by Lord Ellenborough be correct, there could be no two opinions



as to the unfitness of Lord Canning to fill the Viceregal chair, and the urgent necessity of his Lordship's immediate dismissal from office ; but in considering so momentous a question, it is requisite that the facts upon which Lord Ellenborough grounds his premises should be fairly inquired into, and no place is more appropriate to institute that inquiry than Hindustan, nor any assembly more competent to decide upon that subject than the one I have the honour to address. 1st.—Let us then inquire whether the present rebellion has arisen from any attacks made, or intended, against the religious feelings of the people by the administration of Lord Canning? 2ndly.—What are the real circumstances that have caused this rebellion? Speaking as I am from the place which is the centre of the scenes of those mutinies that have drawn forth the remarks of Lord Ellenborough, and possessing as we do the advantages of being identified in race, language, manners, customs, and religion with the majority of those misguided wretches who have taken a part in this rebellion, and thereby disgraced their manhood by drawing their arms against the very dynasty whose salt they have eaten, to whose paternal rule they and their ancestors have for the last hundred years owed the security of their lives and properties, and which is the best ruling power that we had the good fortune to have within the last ten centuries ; and, addressing as I am a society, the individual members of which are fully familiar with the thoughts and sentiments of their countrymen, and who represent the feelings and interests of the great bulk of Her Majesty's native subjects, I but give utterance to a fact patent to us all, that the Government have done nothing to interfere with our religion, and thereby to afford argument to its enemies to weaken their allegiance. The abolition of the diabolical practice of infanticide by drowning children in the Gunga by the Marquis of Hastings, of the criminal right of suttee suicide by Lord Bentinck, and the passing of other laws for the discontinuance of similar cruel and barbarous usages equally called for by justice and humanity, by Governors-General (though they existed among us for ages), never for a moment led us to suspect that our British rulers would interfere with our religion, or weaken the allegiance of any class of subjects in India. And is it to be supposed that Lord Canning's subscription to the missionary societies has ignited and fanned the awful fire, the flame of which now surrounds the fair provinces of Hindustan, and has changed the obedient and faithful native soldiers of the State into fiends who delight in plunder, massacre, and destruction? No, certainly not, our countrymen are perfectly able to make a distinction between the acts of Lord Canning as a private individual, and his Lordship's doings as the Viceroy of her gracious Majesty Queen Victoria. Chiefs of all denominations, both Hindu and Mohammedan, as well as the merchants and soldiers of both these races, possess enough of intelligence and shrewdness to know that what a person does in his *zant khaus* [private capacity] is quite a different thing to what he does in his *wohdaw* [official character]; and Lord Ellenborough must have been misinformed as to the impression the Governor-General's subscription to the missionary societies has produced in this country, when he surmised that that has occasioned the rebellion. Lord Ellenborough is one of the few British statesmen who take an interest in the welfare of this country ; and one must be devoid of all feelings of patriotism who could forget the ex-Governor-General's services to our country. Aware of the weight that would be attached by the British public to the views expressed by that personage, I feel it incumbent on me to point out his Lordship's mistake. Then as to the missionaries, a man must be a total stranger to the thoughts, habits, and character of the Hindu population, who could fancy that because the missionaries are the apostles of another religion, the Hindus entertain an inveterate hatred towards them. Ackbar of blessed memory, whose policy Lord Ellenborough pronounces as peculiarly adapted to the government of these dominions (and which no doubt is so), gave encouragement to the followers of all sects, religions, and modes of worship. *Jageers* and *Allumgahs* bearing his imperial seal are yet extant, to show that he endowed lands and buildings for Mohammedan musjids, Christian churches, and Hindu devalays. The Hindus are essentially a tolerant people,—a fact which that sagacious prince did fully comprehend, appreciate, and act upon ; and the remarks of Lord Ellenborough that Ackbar's policy should be the invariable rule of guidance for British Indian Governors, is most correct, but in

the sense I have just explained, and should be recorded in golden characters on the walls of the Council Chamber. When discussing an Indian subject it should always be remembered that this country is not inhabited by savages and barbarians, but by those whose language and literature are the oldest in the world, and whose progenitors were engaged in the contemplation of the sublimest doctrines of religion and philosophy, at a time when their Anglo-Saxon and Gallic contemporaries were deeply immersed in darkness and ignorance; and if owing to 900 years of Mohammedan tyranny and misrule this great nation has sunk in sloth and lethargy, it has, thank God, not lost its reason, and is able to make a difference between the followers of a religion which inculcates the doctrine that it should be propagated at the point of the sword, and that which offers compulsion to none, but simply invites inquiry. *However we may differ with the Christian missionaries in religion, I speak the minds of this Society, and generally of those of the people when I say that, as regards their learning, purity of morals, and disinterestedness of intention to promote our weal, no doubt is entertained throughout the land, nay, they are held by us in the highest esteem.* European history does not bear on its record the mention of a class of men who suffered so many sacrifices in the cause of humanity and education as the Christian missionaries in India; and though the native community differ with them in the opinion that Hinduism will one day be included in Christendom, (for the worship of Almighty God in His unity, as laid down in the Holy Veds, is and has been our religion for thousands of years, and is enough to satisfy all our spiritual wants,) yet we cannot forbear doing justice to the venerable ministers of a religion who, I do here most solemnly asseverate, in piety and righteousness, alone are fit to be classed with those *Rishees and Mohatmas of antiquity who derived their support and those of their charitable boarding schools from voluntary subscriptions, and consecrated their lives to the cause of God and knowledge.* It is not therefore likely that any little monetary aid that may have been rendered by the Governor-General in his private capacity to missionary societies should have sown the germ of that recent disaffection in the native army which has introduced so much anarchy and confusion in these dominions. Government now-a-days have made additional provisions for the education of the middling and upper classes of their subjects; but there has, I regret to say, been a sad omission as regards the education of its native army, ever since the days of its first formation. By education I do not mean a course of scholastic training; but some sort of training at least should be imparted to Sepoys whom, of all others, it is most absolutely requisite to humanize and to bring under the fear of God. For the soldier's occupation is with arms, his daily business lies in tactics and physical force; so unless he is taught in some shape the duties he owes to his God, his Sovereign, and to his immediate employers, he becomes, when infuriated, worse than a cannibal, as has been to our shame demonstrated in the recent rebellion. If no recruit would be admitted into the native army unless he knew to read and write his own language, candidates desirous of entering into the service would soon qualify themselves on that head; and after they have been admitted, if libraries of books containing easy and entertaining lessons in history, morality, geography, and natural philosophy in that language be at the disposal of every regiment, the native soldiers would occupy their time in the pursuit of useful knowledge, while now their leisure hours are spent in gossip, ennui, and listlessness. A sepoy's life is that of idleness, except when on actual duty, and this plan would suit them best. And then their officers could hold out encouragement to them and excite their emulation, by awarding prizes for proficiency to such as would make advancement in their studies. I beg to propose, 'that though this Society perfectly coincides with the ex-Governor-General, Lord Ellenborough, as to the propriety of Government exercising no interference with the religion of this country, yet in justice to the present Governor-General, it deems it necessary to record that it has not failed to pay due attention to the acts of Lord Canning's Administration, but there has been none of that nature which could be properly reckoned as an interference with our religion, or could give rise to rebellion; and the Society cannot but record its humble approbation of the present Governor-General's measures for the preservation of the peace of this realm under the peculiar circumstances in which it has been placed by the recent unforeseen and unfortunate mutinies.'"



"RAJAH ISSUR CHUNDER SINGH, in seconding the motion of the last speaker, addressed the meeting as follows :—The last speaker has justly observed that the rebellion does not owe its origin to any apprehension of our countrymen that Government would interfere with our religion, arising from the fact of Lord Canning having, in his lordship's individual capacity, subscribed to the missionary schools. Certainly Lord Ellenborough has been misinformed on this head, for we in India have never up to this time heard of any such contribution. But even if Lord Canning had subscribed to the missionary fund, that circumstance had as much to do with the present disturbance as the abolition of suttee religion, or the act of legalizing the marriage of Hindu widows. The cause of the present rebellion is still deeper, and though we every day see new causes ascribed, and persons who can put pen to paper come forward with a new theory of their own, yet I believe the principal cause still remains as much hidden as before; that long a strict investigation would be held, and the traitors who had inflamed a seditious spirit and had converted the hitherto faithful and honest sepoys into a set of murderers of the blackest die, should be brought to the punishment they so richly deserve. Popular belief points out to the emissaries of defunct dynasties as the men who have fanned the seditious flame, and who had the presumption to hope, and the daring villany to scheme, the overthrow of the British Government in Hindustan,—a Government whose mission is to repair defects that ages of tyranny and oppression under the Mohammedan rule have engendered in this unfortunate land, and to teach her sons to resume their place among free and enlightened nations of the earth. Those wicked emissaries, taking advantage of the supposed wrongs of the sepoys, wrought so successfully upon their ignorant and untutored minds, as to incite them to deeds of which the devil himself would be ashamed. Every one of those who have disgraced the name of soldiers, and who by their unheard-of cruelties have brought themselves on a par with the beasts of prey, should be punished with the utmost rigour of law, so as to deter others from the like offences against the State. As for the instigators, such examples should be made of them that their very names may be hateful to generations yet unborn."

Subjoined is an extract from a Calcutta periodical, which strikingly corroborates this testimony borne by natives to the respect felt for the missionaries :—

"We repeat," says the *Intelligencer*, "what we have already stated, and repeat it after another month's opportunity for observation, that *there is not the slightest symptom of any special animosity against missionaries or their doings; nor of the present disturbances having in any degree whatever been caused by any missionary proceedings.* On the contrary, if any European is respected and trusted by natives at present, it is the missionary. *All the influence of public officers and their agents at Benares could not succeed in procuring supplies for the troops and others from the country round; but a missionary, well-known to the people, is now going round the villages and getting in supplies for the public service.* The missionaries and their families are living, at that and some other stations, at some distance from the other residents, and from the means of defence, and are surrounded by the people on every side. How remarkable is this state of affairs! *The Government, who have always fondled and favoured superstition and idolatry, are accused of an underhand design to cheat the people into Christianity; and the missionaries, who have always openly and boldly, but still kindly and affectionately, denounced all idolatrous abominations, and invited their deluded votaries to embrace the gospel of Christ for their salvation,—they are understood by the people, and if any Europeans are trusted, the missionaries are the persons.*

"Such a gratifying incident as that here recorded is not new in the history of missions. Our readers will remember the case of Schwartz, who, when the agents of the Madras Government utterly failed in their endeavours, by his personal influence with the people, succeeded in obtaining the most abundant supplies."

I close with the following portions of a letter from Dr. Duff to Dr. Tweedie, which has already appeared in print :—

CALCUTTA, Sept. 5, 1857.

"When the Southampton mail of the 20th July left, it would seem the delusion was cherished in high places that the tens of thousands who had openly mutinied had thrown down their arms and simply deserted,—quietly retiring to their own villages, or escaping for safety to the jungles! That *some few* may have done so is undoubted. But that by far the greater part retained their arms and put themselves in martial array, under commanders of their own, against the British forces and authorities, is equally undoubted. And they are at this moment actual masters of the whole of the North-western territories beyond the few isolated spots that are actually occupied and controlled by British troops.

"Within the last three months a goodly number of British troops have been landed here from Madras, Ceylon, Bombay, Burmah, and China. But as yet, these have been able to do little more than save Calcutta, Moorshedabad, Moughyr, Bhungulpore, Patna, Ghazipore, Benares, and other cities along the Ganges, from threatened destruction, prevent the fortress of Allahabad from falling into the hands of the rebels, and recapture Cawnpore. For all this we cannot be sufficiently grateful to the God of Providence; since, without the opportune arrival of these troops, all the cities now named, with many others, would long ere now have been a prey to the plunder, conflagration, and massacre of bloodthirsty mutineers.

"But while at all the principal stations things may be said for the last two or three weeks to have been at a *stand-still*,—the British simply holding their own, and the rebels holding theirs,—it is difficult to conceive the progress and reign of anarchy throughout the vast districts surrounding these stations.

"That in different places intelligent zemindars and rajahs, who came to know our power and resources, have continued as yet faithful in their allegiance, is a matter for congratulation. But that in many places zemindars and rajahs have scornfully thrown off all allegiance, and are up in arms,—proclaiming their own independence, and committing depredations on their neighbours in all directions,—is now beyond all question. In this way we have now a king of Rohilcund, a king of Shahabad, with many others. In other cases, such as the town and district of Gorruckpore, recently abandoned by the British authorities, a Mohammedan chief has been set up as *Nazim* or governor, in the name of the recently installed Emperor of Delhi. In short, the reign of confusion and ruin throughout these vast North-western regions seems to be almost complete.

"As regards the feelings of the great masses of the people towards the British Government, the most contradictory statements have been put forth. Here, as elsewhere, extremes will be found wrong. That there ever was *anything like affection or loyal attachment*, in any true sense of these terms, on the part of any considerable portion of the native population towards the British power, is what no one who really knows them could honestly aver. Individual natives have become attached to individual Britons. Of the truth of this statement even the recent sanguinary mutinies have furnished some conspicuous examples. But such isolated facts can prove nothing as to the feelings generally prevalent with respect to the British and their power. On the first subjugation or annexation of a province, the labouring classes, under a fresh sense of the manifold tyrannies, exactions, and disorders from which they are delivered, usually express satisfaction and delight. But as the first generation dies out, and another rises up, knowing nothing but the even, steady, continuous demands of the British authorities,—demands which they cannot evade, as they often might amid the weakness and turbulence of native rule,—they are apt to settle down into a state of necessitated acquiescence, or sullen indifference, or latent disaffection and discontent,—often secretly sighing for a change of rulers, that might give them some chance of helping or bettering themselves. Such I believe to be the general condition of the people of India as regards their feelings towards the British and their Government. And such being their condition, any one might anticipate the



evolution of conduct which they might be expected to exhibit in the midst of a rebellion, with what must appear to their minds its *doubtful issues*. The quieter and more thoughtful spirits, under dread of ultimate retribution, would hold back, or perhaps show favour or kindness to such Britons as came in their way. The bolder, more resolute, and more impetuous spirits, on the other hand, would at once be ready to sound a jubilee of triumph over the downfall of the British power, and equally ready to display the insolence of triumph over helpless and fugitive Britons. And this I believe to be a tolerably exact picture of the state of feeling and conduct among the native population in the North-west and Central Indian territories towards the British and their rule.

“After escaping from the murderous hands of mutineers, British gentlemen and ladies have, in particular instances, experienced kindness at the hands of the common villagers; but in far the greater number of instances they have experienced *quite the reverse*. On this account they have been constantly compelled to shun the villages altogether, and betake themselves to jungles and pathless forests, exposed to the attacks of beasts of prey, and to manifold privations, the narration of which makes one almost shudder. And among the murders ever and anon reported in our public journals, how often do we find this entry opposite a name, ‘*Killed by the villagers!*’ One of a volunteer expedition, which lately went out in the district of Meerut, writes that it was ‘evident as they went along that the whole country was up,’—adding, that on reaching *Rarote*, which city was considered *friendly* to us, they were at once received by a ‘*friendly salute of thirty matchlocks* in their faces!’ Authentic notifications of a somewhat similar kind have also reached us from other places. A medical gentleman, who has recently published an elaborate account of the escape of himself, with other gentlemen, ladies, and children,—amounting in all to twenty-seven in number,—from Angur, in Central India, testifies that ‘every villager was uncivil, and that the smile of respectful submission with which the European officer was wont to be greeted, was displaced by an angry scowl and haughty air towards the despicable Feringhee, whose raj (or reign) was at an end.’ Throughout their *twelve days’* wanderings, they continued to encounter the most terrible hardships and dangers from the hatred, incivility, and contempt of the villagers. This very day, in one of our public journals, a gentleman, long resident in the interior, thus writes:—‘I have lost all my property; but my principal object is, to impress upon my countrymen (to convince the Government of this truth seems hopeless) the utter and most virulent hatred the natives have evinced throughout this outbreak, both to our Government and Europeans generally. In every instance where troops have mutinied, they have been joined by the inhabitants, not only of the bazaars, but of the towns and villages adjacent, who not only assisted the sepoys in burning, looting (plundering), and destroying Government property, and that of European settlers, and all Christians, and in killing any of them they could; but after the departure of the mutineers, continued the devastation, and completed it. I am a very long resident in this country, and having been in a position to hear the true sentiments of the natives (who neither feared me nor required anything from me) towards our Government and ourselves, I have been long aware of their hatred towards both, and that opportunity alone was wanted to display it as they have now done; and where it has not been shown, rest assured it is only from fear or interest, and when they did *not recognise opportunity*.’

“Now, in the face of these, and scores of other substantially similar statements from all parts of the North-west and Central India, what becomes of the lullaby declarations of those who would fain persuade the British public that nowhere among the general civic or rural population of India does there exist any feeling of ill-will, or discontent, or disaffection, towards the British or their Government? All such unqualified declarations I do most solemnly regard as a gigantic (I do not say wilful) imposition on the British public,—an imposition which, if not timeously exposed or abandoned, is sure to prove as fatal to the re-establishment and perpetuity of British supremacy, as it is in itself gigantic. If the seeds of a deadly disease are lurking, though it may be but partially developed, in the very vitals of the constitution, and if the existence of these, in spite of obvious symptoms and warnings, be deliberately ignored, what can we expect, except that, one day or other, they

will break forth into a raging virulence, which all the art of the most skilful physician can neither mitigate nor arrest? \* \* \* \*

"It is but right that the British people, to whom the God of Providence has so mysteriously entrusted the sovereignty of this vast Indian empire, should know the real state of native feeling towards us and our power, that they may insist on a searching scrutiny into the causes which may have superinduced it; and detecting the causes, may demand, as with a voice of thunder, some commensurate remedy. Their own character, their reputation for philanthropy and justice among the nations, and, above all, their own sense of stewardship and accountability to the great God for the amazing trust committed to them,—all challenge them to a speedy and authoritative interposition in this terrific crisis of their paramount power in Asia. If they refrain, the certainty is, that though our gallant soldiers may, at the cost of torrents of human blood, effect and enforce an apparent pacification, there will not be introduced the elements of a permanent peace. Measures will be devised which, by their inadequacy and unadaptedness,—

Can only skin and film the ulcerous part,  
While rank corruption, mining all within,  
Infects unseen.

"Railways and telegraphs, and irrigating canals, and other material improvements, *alone* will not do. Mere secular education, sharpening the intellect, and leaving the heart a prey to all the foulest passions and most wayward impulses, will not do. Mere legislation, which, in humanely prohibiting cruel rites and barbarous usages, goes greatly a-head of the darkened intelligence of the people, will not do. New settlements of the revenue, and landed tenures, however equitable in themselves, alone will not do. Ameliorations in the present monstrous system of police and corrupting machinery of law courts, however advantageous, alone will not suffice. A radical organic change in the structure of Government, such as would transfer it exclusively to the Crown, would not, could not, of itself furnish an adequate cure for our deep-seated maladies.

"No, no! Perhaps the present earthquake-shock which has passed over Indian society, upheaving and tearing to shreds some of the noblest monuments of material civilisation, as well as the most improved expedients of legislative and administrative wisdom, has been permitted, to prove that all merely human plans and systems whatsoever that exclude the life-awakening, elevating, purifying doctrines of gospel grace and salvation, have impotence and failure stamped on their wrinkled brows. Let, then, the Christian people of the highly-favoured British isles, in their heaven-conferred prerogative, rise up, and, resistless as the ocean in its mighty swell, let them decree, in the name of Him that liveth for ever and ever, that henceforward those commissioned by them to rule over and administer justice to the millions of this land shall not dare, in their public acts and proclamations, practically to ignore or scornfully repudiate the very name and faith of Jesus, while they foster and honour the degrading superstitions of Brahma and Mohammed."

FINIS.





